

submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1952. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1953. Mr. REED submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1954. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1955. Mr. BROWN (for himself and Mr. BLUNT) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1956. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1957. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1958. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1959. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1960. Ms. AYOTTE (for herself and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1961. Ms. AYOTTE (for herself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1962. Ms. AYOTTE (for herself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1963. Mr. FLAKE (for himself, Mr. MCCAIN, and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1964. Mr. BROWN (for himself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1965. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1966. Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1967. Mr. CASEY (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1968. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill

H.R. 1735, supra; which was ordered to lie on the table.

SA 1969. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1970. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1971. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1972. Mr. SESSIONS (for Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1973. Mr. SESSIONS (for Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1870. Mr. MURPHY (for himself, Mr. SCHATZ, Mr. UDALL, Mr. BLUMENTHAL, and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. PROHIBITION ON DEPLOYMENT OF GROUND COMBAT TROOPS IN IRAQ AND SYRIA.

No funds authorized to be appropriated by this Act may be used to support the deployment of the United States Armed Forces for the purpose of ground combat operations in Iraq or Syria, except as necessary—

(1) for the protection or rescue of members of the United States Armed Forces or United States citizens from imminent danger posed by ISIL; or

(2) to conduct missions not intended to result in ground combat operations by United States forces, such as—

- (A) intelligence collection and sharing;
- (B) enabling kinetic strikes;
- (C) operational planning; or
- (D) other forms of advice and assistance to forces fighting ISIL in Iraq or Syria.

SA 1871. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 818, strike “and the congressional defense committees” on line 25

and all that follows through page 819, line 3, and insert “, the congressional defense committees, the Committee on Energy and Natural Resources of the Senate, and the Committee on Energy and Commerce of the House of Representatives a report on the assistance provided by the owner’s agent to the Secretary under that subsection with respect to oversight of the contract described in subsection (b), and shall make that report available to the public.”.

SA 1872. Ms. STABENOW (for herself, Mr. PETERS, and Mr. KING) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . DOMESTIC REFUGEE RESETTLEMENT REFORM AND MODERNIZATION.

(a) DEFINITIONS.—In this section:

(1) COMMUNITY-BASED ORGANIZATION.—The term “community-based organization” means a nonprofit organization providing a variety of social, health, educational and community services to a population that includes refugees resettled into the United States.

(2) DIRECTOR.—The term “Director” means the Director of the Office of Refugee Resettlement in the Department of Health and Human Services.

(3) NATIONAL RESETTLEMENT AGENCIES.—The term “national resettlement agencies” means voluntary agencies contracting with the Department of State to provide sponsorship and initial resettlement services to refugees entering the United States.

(b) ASSESSMENT OF REFUGEE DOMESTIC RESETTLEMENT PROGRAMS.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study regarding the effectiveness of the domestic refugee resettlement programs operated by the Office of Refugee Resettlement.

(2) MATTERS TO BE STUDIED.—In the study required under paragraph (1), the Comptroller General shall determine and analyze—

(A) how the Office of Refugee Resettlement defines self-sufficiency and integration and if these definitions adequately represent refugees’ needs in the United States;

(B) the effectiveness of Office of Refugee Resettlement programs in helping refugees to meet self-sufficiency and integration;

(C) technological solutions for consistently tracking secondary migration, including opportunities for interagency data sharing;

(D) the Office of Refugee Resettlement’s budgetary resources and project the amount of additional resources needed to fully address the unmet needs of refugees with regard to self-sufficiency and integration;

(E) the role of community-based organizations in serving refugees in areas experiencing a high number of new refugee arrivals;

(F) how community-based organizations can be better utilized and supported in the Federal domestic resettlement process;

(G) recertification processes for high-skilled refugees, specifically considering how to decrease barriers for Special Immigrant Visa holders to use their skills; and

(H) recommended statutory changes to improve the Office of Refugee Resettlement and the domestic refugee program in relation to the matters analyzed under subparagraphs (A) through (G).

(3) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to Congress the results of the study required under this subsection.

(c) REFUGEE ASSISTANCE.—

(1) ASSISTANCE MADE AVAILABLE TO SECONDARY MIGRANTS.—Section 412(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1522(a)(1)) is amended by adding at the end the following:

“(C) The Director shall ensure that assistance under this section is provided to refugees who are secondary migrants and meet all other eligibility requirements for such assistance.”.

(2) REPORT ON SECONDARY MIGRATION.—Section 412(a)(3) of such Act (8 U.S.C. 1522(a)(3)) is amended—

(A) by inserting “(A)” after “(3)”;

(B) by striking “periodic” and inserting “annual”; and

(C) by adding at the end the following:

“(B) At the end of each fiscal year, the Director shall submit a report to Congress that includes—

“(i) States experiencing departures and arrivals due to secondary migration;

“(ii) likely reasons for migration;

“(iii) the impact of secondary migration on States hosting secondary migrants;

“(iv) the availability of social services for secondary migrants in those States; and

“(v) unmet needs of those secondary migrants.”.

(3) AMENDMENTS TO SOCIAL SERVICES FUNDING.—Section 412(c)(1)(B) of such Act (8 U.S.C. 1522(c)(1)(B)) is amended—

(A) by inserting “a combination of—” after “based on”;

(B) by striking “the total number” and inserting the following:

“(i) the total number”; and

(C) by striking the period at the end and inserting the following:

“(ii) the total number of all other eligible populations served by the Office during the period described who are residing in the State as of the beginning of the fiscal year; and

“(iii) projections on the number and nature of incoming refugees and other populations served by the Office during the subsequent fiscal year.”.

(4) NOTICE AND RULEMAKING.—Not later than 90 days after the date of the enactment of this Act and not later than 30 days before the effective date set forth in paragraph (5), the Director shall—

(A) issue a proposed rule for a new formula by which grants and contracts are to be allocated pursuant to the amendments made by paragraph (3); and

(B) solicit public comment regarding such proposed rule.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall become effective on the first day of the first fiscal year that begins after the date of the enactment of this Act.

(d) RESETTLEMENT DATA.—

(1) IN GENERAL.—The Director shall expand the Office of Refugee Resettlement’s data analysis, collection, and sharing activities in accordance with the requirements set forth in paragraphs (2) through (5).

(2) DATA ON MENTAL AND PHYSICAL MEDICAL CASES.—The Director shall—

(A) coordinate with the Centers for Disease Control and Prevention, national resettlement agencies, community-based organizations, and State refugee health programs to track national and State trends on refugees

arriving with Class A medical conditions and other urgent medical needs;

(B) examine the information sharing process, from country of arrival through refugee resettlement, to determine if access to additional mental health data could—

(i) help determine placements; and

(ii) enable agencies to better prepare to meet refugee mental health needs; and

(C) in collecting information under this paragraph, utilize initial refugee health screening data, including—

(i) a history of severe trauma, torture, mental health symptoms, depression, anxiety, and posttraumatic stress disorder recorded during domestic and international health screenings; and

(ii) Refugee Medical Assistance utilization rate data.

(3) DATA ON HOUSING NEEDS.—The Director shall partner with State refugee programs, community-based organizations, and national resettlement agencies to collect data relating to the housing needs of refugees, including—

(A) the number of refugees who have become homeless; and

(B) the number of refugees who are at severe risk of becoming homeless.

(4) DATA ON REFUGEE EMPLOYMENT AND SELF-SUFFICIENCY.—The Director shall gather longitudinal information relating to refugee self-sufficiency, integration, and employment status during the 2-year period beginning 1 year after the date on which the refugees arrived in the United States.

(5) AVAILABILITY OF DATA.—The Director shall annually—

(A) update the data collected under this subsection; and

(B) submit a report to Congress that contains the updated data.

(e) GUIDANCE REGARDING REFUGEE PLACEMENT DECISIONS.—

(1) CONSULTATION.—The Secretary of State shall provide guidance to national resettlement agencies and State refugee coordinators on consultation with local stakeholders pertaining to refugee resettlement.

(2) BEST PRACTICES.—The Secretary of Health and Human Services, in collaboration with the Secretary of State, shall collect best practices related to the implementation of the guidance on stakeholder consultation on refugee resettlement from voluntary agencies and State refugee coordinators and disseminate such best practices to such agencies and coordinators.

(f) EFFECTIVE DATE.—This section (except for the amendments made by subsection (c)) shall take effect on the date that is 90 days after the date of the enactment of this Act.

SA 1873. Ms. HIRONO (for herself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 314. SECURE ENERGY INNOVATION PROGRAM.

(a) IN GENERAL.—The Secretary of Defense should continue to develop and support projects designed to foster secure and reliable sources of all types of energy for military installations, including energy metering, energy storage, and redundant power systems.

(b) METRICS.—The Secretary of Defense shall develop metrics for assessing the costs, risks, and benefits associated with secure energy projects. The metrics shall take into account financial and operational costs and risks associated with sustained losses of power resulting from natural or man-made disasters or attacks that impact military installations.

SA 1874. Mr. BLUNT submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 706. INCLUSION OF MEMBERS OF THE ARMED FORCES NOT SUBJECTED OR EXPOSED TO OPERATIONAL RISK FACTORS IN REQUIRED MENTAL HEALTH ASSESSMENT.

Section 1074m(a)(2) of title 10, United States Code, is amended by striking “the Secretary determines that” and all that follows through the period at the end and inserting the following:

“(A) the member completes a mental health assessment under section 1074n of this title during any of the time periods specified under such subparagraphs; or

“(B) the Secretary determines that providing a mental health assessment under this section to the member during such time periods would remove the member from forward deployment or put members or operational objectives at risk.”.

SA 1875. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . FEASIBILITY STUDY ON EXPANDING ACCESS TO POST-9/11 EDUCATIONAL ASSISTANCE BY INDIVIDUALS WITH POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY.

Not later than January 31, 2016, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly—

(1) complete a study on the feasibility of enabling individuals entitled to educational assistance under chapter 33 of title 38, United States Code, who have post-traumatic stress disorder or traumatic brain injury to pursue a program of education with such assistance on a less than full-time but more than half-time basis; and

(2) submit to the congressional defense committees, the Committee on Veterans’ Affairs of the Senate, and the Committee on Veterans’ Affairs of the House of Representatives a report on the study carried out under paragraph (1), which shall include the findings of the secretaries and recommendations

for such legislative or administrative action as the secretaries consider appropriate.

SA 1876. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle H of title V, add the following:

SEC. 593. REPORT ON EXEMPTION FROM FURLOUGH DURING A LAPSE IN APPROPRIATIONS FOR POSITIONS FILLED BY INDIVIDUALS ENGAGED IN MILITARY EQUIPMENT AND WEAPON SYSTEMS MAINTENANCE WITHIN THE DEPARTMENT OF DEFENSE.

(a) **REPORT REQUIRED.**—Not later than March 1, 2016, the Secretary of Defense shall, in coordination with the Chief of the National Guard Bureau, submit to the congressional defense committees a report on the exemption from furlough during a lapse in appropriations for positions filled by individuals engaged in military equipment and weapon system maintenance within the Department of Defense, including the position of military technician (dual status) and positions of field and depot level maintenance and engineers.

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

(1) An analysis of the Department of Defense positions described in subsection (a), and the personnel, that were exempted from furlough during the most recent lapse in appropriations for the Department.

(2) An analysis of positions filled by individuals engaged in military equipment and weapon system maintenance within the Department, and the personnel, that were not exempted from the furlough described in paragraph (1).

(3) A cost analysis of the exemption of positions from furlough as described in paragraph (1).

SA 1877. Mr. COATS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 119. REPORT ON POTENTIAL IMPACTS TO THE INDUSTRIAL BASE OF DELAYING OVERHAUL OF USS GEORGE WASHINGTON (CVN-73).

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing the potential impacts to the industrial base if the July 2017 start date for the refueling and complex overhaul (RCOH) of the USS GEORGE WASHINGTON (CVN-73) is delayed by six months, one year, or two years. The report shall assume the Navy and industrial

base have at least 18 months prior notice of the delay.

SA 1878. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . THIRD-PARTY SERVICE PROVIDERS.

Section 487(a)(20) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(20)) is amended by adding at the end the following: “Notwithstanding the preceding sentence, an institution may provide payment, based on the amount of tuition generated by the institution from student enrollment, to a third-party entity that provides a set of services to the institution that includes student recruitment services, regardless of whether the third-party entity is affiliated with an institution that provides educational services other than the institution providing such payment, if—

“(A) the third-party entity is not affiliated with the institution providing such payment;

“(B) the third-party entity does not make compensation payments to its employees that are prohibited under this paragraph;

“(C) the set of services provided to the institution by the third-party entity include services in addition to student recruitment services, and the institution does not pay the third-party entity solely or separately for student recruitment services provided by the third-party entity; and

“(D) any student recruitment information available to the third-party entity, including personally identifiable information, will not be used by, shared with, or sold to any other person or entity, including any institution that is affiliated with the third-party entity.”.

SA 1879. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1085. MINIMUM WAGE APPLICABLE TO AMERICAN SAMOA.

Section 8103(b)(2)(C) of the Fair Minimum Wage Act of 2007 (29 U.S.C. 206(b)(2)(C)) note is amended—

(1) by striking “and 2014” and inserting “2014, 2015, 2016, and 2017”; and

(2) by striking “triennial report required” and inserting “triennial report required to be submitted in 2017”.

SA 1880. Mrs. FEINSTEIN (for herself and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr.

MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 607, strike “submit to the congressional defense committees” and insert “, in consultation with the Director of National Intelligence, submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives”.

SA 1881. Mrs. FEINSTEIN (for herself and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 682, beginning on line 8, strike “Committees” and all that follows through line 11 and insert the following: “Committee on Armed Services and the Select Committee on Intelligence of the Senate and the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives a report setting forth the policy developed pursuant to subsection (a).”.

SA 1882. Mr. UDALL submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 58, strike lines 14 through 17 and insert the following:
services of the Centers;

“(C) enhance capabilities by reducing the cost and improving the performance and efficiency of executing laboratory missions; and

“(D) expand commercial business ventures based on the core competencies of a Center, as determined by the director of the Center, to promote technology transfer.

SA 1883. Mr. Kaine (for himself and Mr. FLAKE) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1230. USE OF MILITARY FORCE AGAINST THE ISLAMIC STATE OF IRAQ AND THE LEVANT.

Congress makes the following findings:

(1) The United States has been engaged in military operations against the Islamic State of Iraq and Levant (ISIL) since August 8, 2014.

(2) Thousands of members of the United States Armed Forces have been deployed to support military operations against ISIL in Iraq and Syria.

(3) The United States has conducted over 3,400 airstrikes against ISIL as of June 2015.

(4) The United States has spent more than \$2,600,000,000 American taxpayer dollars on this war as of June 2015—a number that continues to rise by approximately \$9,000,000 per day.

(5) Tragically, members of the Armed Forces have been killed in Operation Inherent Resolve, and United States hostages have been killed by ISIL in barbaric ways.

(6) The most solemn duty and responsibility Congress has is the authority, under article 1, section 8 of the Constitution, to “declare war”.

(7) While Congress has authorized appropriations for Operation Inherent Resolve, and authorized the training of anti-ISIL forces in Syria, Congress has taken no formal action to approve Operation Inherent Resolve.

(8) In testimony before the Committee on Foreign Relations of the Senate, the Secretary of State, the Secretary of Defense, and the Special Presidential Envoy for the Global Coalition to Counter ISIL agreed that congressional authorization of Operation Inherent Resolve is important for reinforcing the leadership of the United States with our coalition partners.

(9) President Barack Obama submitted an authorization for use of military force against ISIL in February 2015.

(10) Congress has a duty to debate and determine whether or not to authorize the use of military force against ISIL and to engage in a debate about whether it is in the nation’s best interest to order United States troops to risk their lives in this mission.

(11) The American public deserves a congressional debate to educate them about the national security interests at stake and the advisability of this war.

(12) Authorizing Operation Inherent Resolve would send a strong message to our coalition partners and to our adversaries that the United States is united in the fight against ISIL and speaks with one voice in confronting ISIL.

SA 1884. Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. MESSAGING PLAN FOR THE INTERNET TO COUNTERING VIOLENT EXTREMISM ABROAD.

(a) FINDINGS.—Congress makes the following findings:

(1) Violent extremist groups abroad increasingly use social media and other infor-

mation technologies to intimidate, recruit, radicalize, and raise funds.

(2) The Islamic State of Iraq and the Levant (ISIL) has expertly exploited social media to spread its propaganda, intimidate its opposition, raise money, and recruit others into its ranks.

(3) The United States strategy to defeat the Islamic State of Iraq and the Levant must include a campaign to counter digital media to degrade and defeat the social media propaganda and recruitment networks of the Islamic State of Iraq and the Levant.

(4) This effort must include the empowering of moderate local voices and other non-United States attributed messaging to challenge the Islamic State of Iraq and the Levant through a coordinated and integrated Government-wide strategy online.

(b) MESSAGING PLAN.—The Secretary of Defense shall, in coordination with the Secretary of State, the Director of National Intelligence, the Broadcasting Board of Governors, and other appropriate public and private sector stakeholders, develop and implement a coordinated messaging plan for the Internet, including elements described in subsection (a)(4), to counter propaganda and recruitment media disseminated by the Islamic State of Iraq and the Levant and associated violent extremist groups abroad.

SA 1885. Mr. PETERS (for himself, Ms. HIRONO, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 314. AUTHORIZATION FOR RESEARCH TO IMPROVE MILITARY VEHICLE TECHNOLOGY TO INCREASE FUEL ECONOMY OR REDUCE FUEL CONSUMPTION OF MILITARY GROUND VEHICLES USED IN COMBAT.

(a) RESEARCH AUTHORIZED.—The Secretary of Defense, acting through the Assistant Secretary of Defense for Research and Engineering and in collaboration with the Secretary of the Army, the Secretary of the Navy, and the Director of the Defense Advanced Research Projects Agency, may carry out research to improve military ground vehicle technology to increase fuel economy or reduce fuel consumption of military ground vehicles used in combat.

(b) PREVIOUS SUCCESSSES.—The Secretary of Defense shall ensure that research carried out under subsection (a) takes into account the successes of, and lessons learned during, previous Department of Defense, Department of Energy, and private sector efforts to identify, assess, develop, demonstrate, and prototype technologies that support increasing fuel economy or decreasing fuel consumption of military ground vehicles, while balancing survivability, in furtherance of military missions.

SA 1886. Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construc-

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

On page 263, strike lines 6 through 13 and insert the following:

(1) in subsection (e)(3)(A), by striking “in the United States”; and

SA 1887. Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1409. ADDITIONAL AMOUNT FOR OTHER AUTHORIZATIONS, WORKING CAPITAL FUNDS, FOR THE DEFENSE COMMISSARY AGENCY.

(a) ADDITIONAL AMOUNT.—The amount authorized to be appropriated for fiscal year 2016 by section 1401 is hereby increased by \$322,000,000, with the amount of the increase to be available for working capital funds, Defense Commissary Agency, as specified in the funding table in section 4501.

(b) OFFSET.—The amount authorized to be appropriated for fiscal year 2016 by section 301 is hereby decreased by \$322,000,000, with the amount of the decrease to be applied to amounts available for operation and maintenance as specified in the funding table in section 4301 and achieved by limiting excessive and redundant purchases of spare parts.

SA 1888. Ms. MCCASKILL submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 564, after line 25, add the following:

(d) REPORT.—

(1) DEFINITION.—In this subsection, the term “covered employee” has the meaning given that term in section 1599e of title 10, United States Code, as added by subsection (a)(1).

(2) CONTENTS.—The Secretary of Defense shall submit to Congress a report regarding covered employees hired into a probationary status during the 10-year period ending on the date of enactment of this Act, which shall include the number of covered employees—

(A) hired during the period;

(B) whose appointment became final after the probationary period;

(C) who were subject to disciplinary action or termination during the 5-year period beginning on the date on which the appointment of the covered employee became final;

(D) who were subject to disciplinary action during the probationary period; and

(E) who were terminated before the appointment of the covered employee became final.

SA 1889. Mr. MCCAIN (for himself, Mrs. FEINSTEIN, Mr. REED, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

SEC. 1040. REAFFIRMATION OF THE PROHIBITION ON TORTURE.

(a) LIMITATION ON INTERROGATION TECHNIQUES TO THOSE IN THE ARMY FIELD MANUAL.—

(1) ARMY FIELD MANUAL 2-22.3 DEFINED.—In this subsection, the term “Army Field Manual 2-22.3” means the Army Field Manual 2-22.3 entitled “Human Intelligence Collector Operations” in effect on the date of the enactment of this Act or any similar successor Army Field Manual.

(2) RESTRICTION.—

(A) IN GENERAL.—An individual described in subparagraph (B) shall not be subjected to any interrogation technique or approach, or any treatment related to interrogation, that is not authorized by and listed in the Army Field Manual 2-22.3.

(B) INDIVIDUAL DESCRIBED.—An individual described in this subparagraph is an individual who is—

(i) in the custody or under the effective control of an officer, employee, or other agent of the United States Government; or

(ii) detained within a facility owned, operated, or controlled by a department or agency of the United States, in any armed conflict.

(3) IMPLEMENTATION.—Interrogation techniques, approaches, and treatments described in Army Field Manual 2-22.3 shall be implemented strictly in accord with the principles, processes, conditions, and limitations prescribed by Army Field Manual 2-22.3.

(4) AGENCIES OTHER THAN THE DEPARTMENT OF DEFENSE.—If a process required by Army Field Manual 2-22.3, such as a requirement of approval by a specified Department of Defense official, is inapposite to a department or an agency other than the Department of Defense, the head of such department or agency shall ensure that a process that is substantially equivalent to the process prescribed by Army Field Manual 2-22.3 for the Department of Defense is utilized by all officers, employees, or other agents of such department or agency.

(5) INTERROGATION BY FEDERAL LAW ENFORCEMENT.—Nothing in this subsection shall preclude an officer, employee, or other agent of the Federal Bureau of Investigation or other Federal law enforcement agency from continuing to use authorized, non-coercive techniques of interrogation that are designed to elicit voluntary statements and do not involve the use of force, threats, or promises.

(6) UPDATE OF THE ARMY FIELD MANUAL.—

(A) REQUIREMENT TO UPDATE.—

(i) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and once every three years thereafter, the Secretary of Defense, in coordination with the Attorney General, the Director of the Federal Bureau of Investigation, and the Di-

rector of National Intelligence, shall complete a thorough review of Army Field Manual 2-22.3, and revise Army Field Manual 2-22.3, as necessary to ensure that Army Field Manual 2-22.3 complies with the legal obligations of the United States and reflects current, evidence-based, best practices for interrogation that are designed to elicit reliable and voluntary statements and do not involve the use or threat of force.

(ii) AVAILABILITY TO THE PUBLIC.—Army Field Manual 2-22.3 shall remain available to the public and any revisions to the Army Field Manual 2-22.3 adopted by the Secretary of Defense shall be made available to the public 30 days prior to the date the revisions take effect.

(B) REPORT ON BEST PRACTICES OF INTERROGATIONS.—

(i) REQUIREMENT FOR REPORT.—Not later than 120 days after the date of the enactment of this Act, the interagency body established pursuant to Executive Order 13491 (commonly known as the High-Value Detainee Interrogation Group) shall submit to the Secretary of Defense, the Director of National Intelligence, the Attorney General, and other appropriate officials a report on current, evidence-based, best practices for interrogation that are designed to elicit reliable and voluntary statements and do not involve the use of force.

(ii) RECOMMENDATIONS.—The report required by clause (i) may include recommendations for revisions to Army Field Manual 2-22.3 based on the body of research commissioned by the High-Value Detainee Interrogation Group.

(iii) AVAILABILITY TO THE PUBLIC.—Not later than 30 days after the report required by clause (i) is submitted such report shall be made available to the public.

(b) INTERNATIONAL COMMITTEE OF THE RED CROSS ACCESS TO DETAINEES.—

(1) REQUIREMENT.—The head of any department or agency of the United States Government shall provide the International Committee of the Red Cross with notification of, and prompt access to, any individual detained in any armed conflict in the custody or under the effective control of an officer, employee, contractor, subcontractor, or other agent of the United States Government or detained within a facility owned, operated, or effectively controlled by a department, agency, contractor, or subcontractor of the United States Government, consistent with Department of Defense regulations and policies.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to create or otherwise imply the authority to detain; or

(B) to limit or otherwise affect any other individual rights or state obligations which may arise under United States law or international agreements to which the United States is a party, including the Geneva Conventions, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

SA 1890. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 213, between lines 9 and 10, insert the following:

(3) PRESERVATION OF CURRENT BAH FOR CERTAIN OTHER MARRIED MEMBERS.—Notwithstanding paragraph (1), the amount of basic allowance for housing payable to a member of the uniformed services under section 403 of title 37, United States Code, as of September 30, 2015, shall not be reduced by reason of the amendment made by subsection (a) unless—

(A) the member and the member's spouse undergo a permanent change of station requiring a change of residence;

(B) the member and the member's spouse move into or commence living in on-base housing; or

SA 1891. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1242. SENSE OF CONGRESS ON IRAN NEGOTIATIONS.

(a) FINDINGS.—Congress makes the following findings:

(1) President Barack Obama and administration officials have routinely spoken about taking a hard line when dealing with Iran on the subject of their nuclear program and related sanctions.

(2) On September 25, 2012, in a speech to the United Nations General Assembly, President Obama stated: “Make no mistake: A nuclear-armed Iran is not a challenge that can be contained. . .the United States will do what we must to prevent Iran from obtaining a nuclear weapon.”

(3) On April 2, 2015, in an address in the Rose Garden, President Obama stated that “Iran has also agreed to the most robust and intrusive inspections and transparency regime,” and declared, “This deal was not based on trust. It's based on unprecedented verification.”

(4) On April 2, 2015, in an interview with Andrea Mitchell of NBC, in Lausanne, Switzerland, Secretary of State John Kerry when asked, “Mr. Secretary, President Obama said if Iran cheats, we will know it. How can you be so sure? They've cheated before”; stated, “Well, we have extraordinary, extensive verification measures that have not been applied before. We will have state-of-the-art television cameras within centrifuge production facilities. We will have cradle-to-grave tracking of uranium—uranium from the mine to the mill to the yellowcake to gas to the centrifuge to out and where it goes in spent fuel. So we have—that is an amazing amount—and we have a new dispute process which will allow us to be able to finalize access where we need it.”

(5) April 8, 2015, on the “PBS NewsHour,” Secretary Kerry said that in any final agreement, Iran would also have to resolve outstanding questions with the International Atomic Energy Agency over suspected military dimensions of the nuclear program. “It will be part of a final agreement,” he said. “It has to be.”

(6) Iran's supreme leader, Ayatollah Ali Khamenei, has routinely spoken out openly against the United States and any sanctions against Iran's nuclear program.

(7) On April 9, 2015, the Wall Street Journal, in response to the nuclear deal, reported, "The 75-year-old cleric also said Iran's government and security forces wouldn't permit outside inspections of the country's military sites, which are officially nonnuclear but where United Nations investigators suspect Tehran conducted tests related to atomic weapons development."

(8) On May 20, 2015, in a graduation speech at the Imam Hussein Military University in Tehran, Ayatollah Ali Khamenei ruled out allowing international inspectors to interview Iranian nuclear scientists as part of any potential deal on its nuclear program, and reiterated that "regarding inspections, we have said that we will not let foreigners inspect any military center".

(9) The stated positions of the United States requiring "robust and intrusive" inspections of Iran's nuclear sites and any other sites where nuclear activities may be carried out or may have been conducted previously is essential to any effective agreement that would provide relief from sanctions.

(10) The public statements of Ayatollah Ali Khamenei and other top Iranian leaders suggest they may refuse to grant such inspections as are required to ensure the nuclear agreement is complied with.

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

(1) the Government of Iran's stated opposition to inspections represents decisive questions and suggest a verifiable agreement may be unachievable; and

(2) no nuclear agreement with Iran that does not include robust inspections and proper verification of all Iran's nuclear programs and related military installations and access to nuclear supporting scientists should be accepted.

SA 1892. Mr. DAINES (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1085. CLARIFICATION OF PRESUMPTIONS OF EXPOSURE FOR VETERANS WHO SERVED IN VICINITY OF REPUBLIC OF VIETNAM.

(a) COMPENSATION.—Subsections (a)(1) and (f) of section 1116 of title 38, United States Code, are amended by inserting "(including the territorial seas of such Republic)" after "served in the Republic of Vietnam" each place it appears.

(b) HEALTH CARE.—Section 1710(e)(4) of such title is amended by inserting "(including the territorial seas of such Republic)" after "served on active duty in the Republic of Vietnam".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as of September 25, 1985.

(d) OFFSET.—Increased Government expenditures resulting from enactment of this section shall be paid from savings achieved by section 605 of this Act.

SA 1893. Mr. FLAKE (for himself, Mr. JOHNSON, Mr. MCCAIN, and Mr. SCHUMER) submitted an amendment in-

tended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . RECRUITING SEPARATING SERVICE MEMBERS AS CUSTOMS AND BORDER PATROL OFFICERS.

(a) FINDINGS.—Congress finds that—

(1) Customs and Border Protection Officers at United States ports of entry carry out critical law enforcement duties associated with screening foreign visitors, returning United States citizens, and imported cargo entering the United States;

(2) it is in the national interest for United States ports of entry to be adequately staffed with Customs and Border Protection Officers in a timely fashion, including meeting the congressionally mandated staffing level of 23,775 officers for fiscal year 2015;

(3) an estimated 250,000 to 300,000 members of the Armed Forces separate from military service every year; and

(4) recruiting efforts and expedited hiring procedures should be undertaken to ensure that individuals separating from military service are aware of, and partake in, opportunities to fill vacant Customs and Border Protection Officer positions.

(b) EXPEDITED HIRING OF APPROPRIATE SEPARATING SERVICE MEMBERS.—

(1) IDENTIFICATION OF TRANSFERABLE QUALIFICATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security, in conjunction with the Secretary of Defense, shall jointly identify Military Occupational Safety Codes, Air Force Specialty Codes, and Naval Enlisted Classifications and Officer Designators and Coast Guard Competencies that are transferable to the requirements, qualifications, and duties assigned to Customs and Border Protection Officers.

(2) HIRING.—The Secretary of Homeland Security shall consider hiring qualified candidates with the Military Occupational Safety Codes, Air Force Specialty Codes, and Naval Enlisted Classifications and Officer Designators identified as transferable under paragraph (1) who are eligible for veterans recruitment appointment authorized under section 4214 of title 38, United States Code.

(c) ESTABLISHING A PROGRAM FOR RECRUITING SERVICE MEMBERS SEPARATING FROM MILITARY SERVICE FOR CUSTOMS AND BORDER PROTECTION OFFICER VACANCIES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in conjunction with the Secretary of Defense, shall establish a program to actively recruit members of the Armed Forces who are separating from military service to serve as Customs and Border Protection Officers.

(2) ELEMENTS.—The program established under paragraph (1) shall—

(A) include Customs and Border Protection Officer opportunities in relevant job assistance efforts under the Transition Assistance Program;

(B) place Customs and Border Protection Officers at recruiting events and jobs fairs involving members of the Armed Forces who are separating from military service;

(C) provide opportunities for local U.S. Customs and Border Protection field offices to partner with military bases in the region;

(D) conduct outreach efforts to educate members of the Armed Forces with Military Occupational Safety Codes, Air Force Specialty Codes, and Naval Enlisted Classifications and Officer Designators that are transferable to the requirements, qualifications, and duties assigned to Customs and Border Protection Officers;

(E) require the Secretary of Defense and the Secretary of Homeland Security to work cooperatively to identify shared activities and opportunities for reciprocity related to steps in hiring U.S. Customs and Border Patrol officers with the goal of minimizing the time required to hire qualified applicants;

(F) require the Secretary of Defense and the Secretary of Homeland Security to work cooperatively to ensure the streamlined interagency transfer of relevant background investigations and security clearances; and

(G) include such other elements as may be necessary to ensure that members of the Armed Forces who are separating from military service are aware of opportunities to fill vacant Customs and Border Protection Officer positions.

(d) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and December 31 of each year thereafter, the Secretary of Homeland Security and the Secretary of Defense shall jointly submit a report to the appropriate congressional committees that includes a description and assessment of the program established under subsection (c).

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) a detailed description of the program established under subsection (c), including—

(i) programmatic elements;

(ii) goals associated with those elements; and

(iii) a description of how the elements and goals will assist in meeting statutorily mandated staffing levels and agency hiring benchmarks;

(B) a detailed description of the program elements that have been implemented under subsection (c);

(C) a detailed summary of the actions taken under subsection (c) to implement such program elements;

(D) the number of separating service members made aware of Customs and Border Protection Officer vacancies;

(E) the Military Occupational Safety Codes, Air Force Specialty Codes, and Naval Enlisted Classifications and Officer Designators identified as transferable under subsection (b)(1) and a rationale for such identifications;

(F) the number of Customs and Border Protection Officer vacancies filled with separating service members;

(G) the number of Customs and Border Protection Officer vacancies filled with separating service members under Veterans' Recruitment Appointment authorized under the Veterans Employment Opportunity Act of 1998 (Public Law 105-339); and

(H) the results of any evaluations or considerations of additional elements included or not included in the program established under subsection (c).

(e) RULES OF CONSTRUCTION.—Nothing in this section may be construed—

(1) as superseding, altering, or amending existing Federal veterans' hiring preferences or Federal hiring authorities; or

(2) to authorize the appropriation of additional amounts to carry out this section.

SA 1894. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016

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

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

SEC. 524. SENSE OF SENATE ON SECRETARY OF DEFENSE REVIEW OF SECTION 504 OF TITLE 10, UNITED STATES CODE, REGARDING ENLISTING CERTAIN ALIENS IN THE ARMED FORCES.

It is the sense of the Senate that the Secretary of Defense should review section 504 of title 10, United States Code, for the purpose of making a determination and authorization pursuant to subsection (b)(2) of such section regarding the enlistment in the Armed Forces of aliens who—

- (1) were unlawfully present in the United States on December 31, 2011;
- (2) have been continuously present in the United States since that date;
- (3) were younger than 16 years of age on the date the aliens initially entered the United States; and
- (4) disregarding such unlawful status, are otherwise eligible for original enlistment in a regular component of the Army, Navy, Air Force, Marine Corps, or Coast Guard.

SA 1895. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 524. EVALUATION OF THE IMPACT OF THE ENLISTMENT OF CERTAIN ALIENS IN THE ARMED FORCES ON MILIARY READINESS.

(a) **EVALUATION REQUIRED.**—The Secretary of Defense shall evaluate—

- (1) whether permitting covered aliens to enlist in the Armed Forces could expand the pool of potential enlistees in the Armed Forces; and
- (2) how making covered aliens eligible for enlistment in the Armed Forces would impact military readiness.

(b) **COVERED ALIENS DEFINED.**—In this section, the term “covered aliens” means aliens who—

- (1) were unlawfully present in the United States on December 31, 2011;
- (2) have been continuously present in the United States since that date;
- (3) were younger than 16 years of age on the date the aliens initially entered the United States; and
- (4) disregarding such unlawful status, are otherwise eligible for original enlistment in a regular component of the Army, Navy, Air Force, Marine Corps, or Coast Guard.

SA 1896. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REPORT ON THE ROLE OF THE MINISTRY OF THE REVOLUTIONARY ARMED FORCES AND THE MINISTRY OF THE INTERIOR IN CUBA IN THE ECONOMY AND FOREIGN RELATIONSHIPS OF CUBA.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and not less frequently than annually thereafter, the President shall submit a report to Congress that describes the role of the Ministry of the Revolutionary Armed Forces and the Ministry of the Interior of the Republic of Cuba with respect to the economy of Cuba.

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

(1) identify the entities that the United States considers to be owned, operated, or controlled (in whole or in part) by—

(A) the Ministry of the Revolutionary Armed Forces or the Ministry of the Interior of Cuba; or

(B) any senior member of the Ministry of the Revolutionary Armed Forces or the Ministry of the Interior of Cuba;

(2) include an assessment of the business dealings with countries and entities outside of Cuba that are conducted by—

(A) either of the entities identified under paragraph (1)(A); or

(B) officers of such entities; and

(3) include an assessment of the relationship of the Ministry of the Revolutionary Armed Forces and the Ministry of the Interior of Cuba with the militaries of foreign countries, including whether either Cuban Ministry has—

(A) conducted any joint training, exercises, financial dealings, or weapons purchases or sales with such foreign militaries; or

(B) provided advisors to such foreign militaries.

(c) **FORM OF REPORT.**—Each report submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 1897. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 558. ADDITIONAL RECIPIENTS OF CONFIDENTIAL DISCLOSURES OF SEXUAL ASSAULT IN THE ARMED FORCES THAT DO NOT TRIGGER AN OFFICIAL INVESTIGATION.

(a) **ADDITIONAL RECIPIENTS.**—Section 1565b(b)(2) of title 10, United States Code, is modified by adding at the end the following new subparagraphs:

“(D) The Senators representing the State in which the victim resides, and the Member, Delegate, or Resident Commissioner of the House of Representatives representing the district in which the victim resides.

“(E) A Special Victims’ Counsel pursuant to section 1044e of this title.”.

(b) **REGULATIONS.**—The Secretary of Defense shall revise the regulations required by section 1565b(b) of title 10, United States Code, to establish procedures to ensure that Members of Congress can engage with the Department of Defense on behalf of a member of the Armed Forces who is a victim of sexual assault, pursuant to a request for assistance from the victim to such Member of Congress, in a confidential manner. Under the regulations as so revised, neither a request by a victim to a Member of Congress for assistance nor subsequent engagement with the victim by such Member of Congress shall jeopardize the Restricted status of any report filed by the victim in connection with the sexual assault.

SA 1898. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1085. NOTICE REGARDING MAXIMUM RATE OF INTEREST ON STUDENT LOANS UNDER SERVICEMEMBERS CIVIL RELIEF ACT.

Section 105 of the Servicemembers Civil Relief Act (50 U.S.C. App. 515) is amended—

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

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

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

“(b) **STUDENT LOANS.**—Each servicer of a loan made, insured, or guaranteed under Part B, D, or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.) shall, not later than 30 days after the date on which a servicemember with a student loan serviced by such servicer that is subject to subsection (a) of section 207 begins a period of military service, notify such servicemember of the servicemember’s rights under this act.”.

SA 1899. Mr. REED submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

The table in section 2614(b) is amended by adding after the item relating to Camp Smith, New York, the following new item:

Puerto Rico.	Gurabo	Readiness Center ...	\$14,218,000
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SA 1900. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the

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

Strike section 1103 and insert the following:

SEC. 1103. SENSE OF CONGRESS ON IMPLEMENTATION OF THE “NEW BEGINNINGS” PERFORMANCE MANAGEMENT AND WORKFORCE INCENTIVE SYSTEM OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Section 1113 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) required the Department of Defense to institute a fair, credible, and transparent performance appraisal system, given the name “New Beginnings”, for employees which—

(A) links employee bonuses and other performance-based action to employee performance appraisals;

(B) ensured ongoing performance feedback and dialogue among supervisors, managers, and employees throughout the appraisal period, with timetables for review; and

(C) developed performance assistance plans to give employees formal training, on-the-job training, counseling, mentoring, and other assistance.

(2) The military components and Defense Agencies of the Department are currently reviewing the proposed “New Beginnings” performance management and workforce incentive system developed in response to section 1113 of the National Defense Authorization Act for Fiscal Year 2010.

(3) The Department anticipates it will begin implementation of the “New Beginnings” performance management and workforce incentive system in April 2016.

(4) The authority in section 1113 of the National Defense Authorization Act for Fiscal Year 2010 provided the Secretary, in coordination with the Director of the Office of Personnel Management, flexibilities in promulgating regulations to redesign the procedures which are applied by the Department in making appointments to positions within the competitive service in order to—

(A) better meet mission needs;

(B) respond to manager needs and the needs of applicants;

(C) produce high-quality applicants;

(D) support timely decisions;

(E) uphold appointments based on merit system principles; and

(F) promote competitive job offers.

(5) In implementing the “New Beginnings” performance management and workforce incentive system, section 1113 of the National Defense Authorization Act for Fiscal Year 2010 requires the Secretary to comply with veterans’ preference requirements.

(6) Among the criteria for the “New Beginnings” performance management and workforce incentive system authorized by section 1113 of the National Defense Authorization Act for Fiscal Year 2010, the Secretary is required to—

(A) adhere to merit principles;

(B) include a means for ensuring employee involvement (for bargaining unit employees, through their exclusive representatives) in the design and implementation of the performance management and workforce incentive system;

(C) provide for adequate training and retraining for supervisors, managers, and employees in the implementation and operation of the performance management and workforce incentive system;

(D) develop a comprehensive management succession program to provide training to employees to develop managers for the De-

partment and a program to provide training to supervisors on actions, options, and strategies a supervisor may use in administering the performance management and workforce incentive system;

(E) include effective transparency and accountability measures and safeguards to ensure that the management of the performance management and workforce incentive system is fair, credible, and equitable, including appropriate independent reasonableness reviews, internal assessments, and employee surveys;

(F) utilize the annual strategic workforce plan required by section 115b of title 10, United States Code; and

(G) ensure that adequate resources are allocated for the design, implementation, and administration of the performance management and workforce incentive system.

(7) Section 1113 of the National Defense Authorization Act for Fiscal Year 2010 also requires the Secretary to develop a program of training—to be completed by a supervisor every three years—on the actions, options, and strategies a supervisor may use in—

(A) developing and discussing relevant goals and objectives with employees, communicating and discussing progress relative to performance goals and objectives, and conducting performance appraisals;

(B) mentoring and motivating employees, and improving employee performance and productivity;

(C) fostering a work environment characterized by fairness, respect, equal opportunity, and attention to the quality of the work of employees;

(D) effectively managing employees with unacceptable performance;

(E) addressing reports of a hostile work environment, reprisal, or harassment of or by another supervisor or employee; and

(F) allowing experienced supervisors to mentor new supervisors by sharing knowledge and advice in areas such as communication, critical thinking, responsibility, flexibility, motivating employees, teamwork, leadership, and professional development, and pointing out strengths and areas of development.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should proceed with the collaborative work with employee representatives on the “New Beginnings” performance management and workforce incentive system and begin implementation of the new system at the earliest possible date.

SA 1901. Mr. MURPHY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 884. ANNUAL REPORT ON FOREIGN PROCUREMENTS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2338. Reporting on foreign purchases

“(a) IN GENERAL.—Not later than 60 days after the end of fiscal year 2016, and each fiscal year thereafter, the Secretary of Defense shall submit to the appropriate congress-

sional defense committees a report listing specific procurements by the Department of Defense in that fiscal year of articles, materials, or supplies valued greater than \$5,000,000, indexed to inflation, using the exception under section 8302(a)(2)(A) of title 41. This report may be submitted as part of the report required under section 8305 of such title.

“(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means the congressional defense committees, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended by inserting after the item relating to section 2337 the following new item:

“2338. Reporting on foreign purchases.”.

SA 1902. Ms. WARREN (for herself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 738. COMPTROLLER GENERAL STUDY ON GAMBLING AND PROBLEM GAMBLING BEHAVIOR AMONG MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on gaming facilities at military installations and problem gambling among members of the Armed Forces.

(b) MATTERS INCLUDED.—The study conducted under subsection (a) shall include the following:

(1) With respect to gaming facilities at military installations, disaggregated by each branch of the Armed Forces—

(A) the number, type, and location of such gaming facilities;

(B) the total amount of cash flow through such gaming facilities; and

(C) the amount of revenue generated by such gaming facilities for morale, welfare, and recreation programs of the Department of Defense.

(2) An assessment of the prevalence of and particular risks for problem gambling among members of the Armed Forces, including such recommendations for policies and programs to be carried out by the Department to address problem gambling as the Secretary considers appropriate.

(3) An assessment of the ability and capacity of military health care personnel to adequately diagnose and provide dedicated treatment for problem gambling, including—

(A) a comparison of treatment programs of the Department for alcohol abuse, illegal substance abuse, and tobacco addiction with treatment programs of the Department for problem gambling; and

(B) an assessment of whether additional training for military health care personnel on providing treatment for problem gambling would be beneficial.

(4) An assessment of the financial counseling and related services that are available to members of the Armed Forces and their

dependents who are impacted by problem gambling.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the study conducted under subsection (a).

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

SA 1903. Ms. CANTWELL (for herself, Mr. SULLIVAN, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1024. MULTIYEAR PROCUREMENT AUTHORITY FOR POLAR ICEBREAKERS.

(a) MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy shall enter into multiyear contracts for the procurement of three heavy polar icebreakers and any systems and equipment associated with those vessels.

(b) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary may enter into one or more contracts, beginning in fiscal year 2016, for advance procurement associated with the vessels, systems, and equipment for which authorization to enter into a multiyear contract is provided under subsection (a).

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2016 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

(d) MEMORANDUM OF AGREEMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy and the Secretary of the Department in which the Coast Guard is operating shall enter into a memorandum of agreement establishing a process by which the Coast Guard, in concurrence with the Navy, shall—

(1) identify the vessel specifications, capabilities, systems, equipment, and other details required for the design of heavy polar icebreakers capable of fulfilling Navy and Coast Guard mission requirements, with the Coast Guard, as the sole operator of United States Government polar icebreaking assets, retaining final decision authority in the establishment of vessel requirements;

(2) oversee the construction of heavy polar icebreakers authorized to be procured under this section; and

(3) to the extent not adequately addressed in the 1965 Revised Memorandum of Agreement between the Department of the Navy and the Department of the Treasury on the Operation of Icebreakers, transfer heavy polar icebreakers procured through contracts authorized under this section from the

Navy to the Coast Guard to be maintained and operated by the Coast Guard.

SA 1904. Mr. MCCAIN (for himself and Mr. KAINE) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1049. PROGRAM TO COMMEMORATE THE 100TH ANNIVERSARY OF THE TOMB OF THE UNKNOWN SOLDIER.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress makes the following findings:

(A) At the end of World War I, Congressman Hamilton Fish championed legislation to create a national focus for Americans to honor the memory of all people who served in the Armed Forces, but especially for those who died unknown and lost to history. The legislation created the Tomb of the Unknown Soldier. Since that time, the remains of a single unknown member of the Armed Forces from World War II and from the Korean War have been entombed at the same memorial. (The remains of an unknown Vietnam War veteran were subsequently identified and removed from the Tomb).

(B) These additions transformed the Tomb of the Unknown Soldier into a transcendent place of honor and reflection. Now known as the Tomb of the Unknowns, the Tomb represents that one place where every American can go to honor every member of our country who has ever worn the uniform of the Nation. Today at the Tomb, American citizens and citizens from other countries come daily to remember and honor the ideals of sacrifice and service.

(C) The Tomb of the Unknown Soldier was formally consecrated on November 11, 1921. Now is the time to prepare for the 100th anniversary of the consecration of the Tomb.

(2) PURPOSE.—The purposes of this section is to provide for the conduct of a formal program to commemorate the 100th anniversary of the consecration of the Tomb of the Unknown Soldier, including authorizing private sector efforts to create nation-wide commemorations on the day of the Washington National Commemoration of the Tomb.

(b) COMMEMORATIVE PROGRAM AUTHORIZED.—The Secretary of Defense may conduct a program to commemorate the 100th anniversary of the consecration of the Tomb of the Unknown Soldier. In conducting the commemorative program, the Secretary shall coordinate, support, and facilitate other programs and activities of the Federal Government, State, and local governments, and other persons and organizations in commemoration of the Tomb.

(c) SCHEDULE.—The Secretary of Defense shall determine the schedule of major events and priority of efforts for the commemorative program in order to ensure achievement of the objectives specified in subsection (d).

(d) COMMEMORATIVE ACTIVITIES AND OBJECTIVES.—The commemorative program may include activities and ceremonies to achieve the following objectives:

(1) To honor the commitment of the United States to never forget or forsake the members of the Armed Forces who served and sacrificed for our Country, including personnel who were held as prisoners of war or

listed as missing in action, and to thank and honor the families of these veterans.

(2) To highlight the service of the Armed Forces in times of war or armed conflict and the contributions of Federal agencies and governmental and nongovernmental organizations that served with, or in support of, the Armed Forces.

(3) To pay tribute to the contributions made on the home front by the people of the United States in times of war or armed conflict.

(4) To educate the American public about service and sacrifice on behalf of the United States and the principles that define and unite the United States.

(5) To recognize the contributions and sacrifices made by the allies of the United States during times of war or armed conflict.

(6) To apply the advances in technology to communicate the activities at the Tomb of the Unknowns to people across the United States.

(7) To facilitate the participation of the American people in the centennial commemoration of the Tomb of the Unknown Soldier.

(8) To educate the youth of America on the importance of our citizens' commitment of service and sacrifice to secure and to keep safe, now and in the future, and on America's founding principles and promise of freedom for all who abide in the United States.

(e) NAMES AND SYMBOLS.—The Secretary shall have the sole and exclusive right to use the name “The United States of America Tomb of the Unknown Soldier Commemoration”, and such seal, emblems, and badges incorporating such name as the Secretary may lawfully adopt. Nothing in this section may be construed to supersede rights that are established or vested before the date of the enactment of this Act.

(f) COMMEMORATIVE FUND.—

(1) ESTABLISHMENT AND ADMINISTRATION.—Upon the commencement of the commemorative program, the Secretary of the Treasury shall establish on the books of the Treasury an account to be known as the “Tomb of the Unknown Soldier Commemoration Fund” (in this section referred to as the “Fund”). The Fund shall be administered by the Secretary of Defense.

(2) DEPOSITS.—Subject to paragraph (3), there shall be deposited into the Fund the following:

(A) Amounts appropriated to the Fund.

(B) Proceeds derived from the use by the Secretary of the exclusive rights described in subsection (e).

(C) Donations made in support of the commemorative program by private and corporate donors.

(D) Any other amounts authorized to deposit into the Fund by law.

(3) LIMITATION ON EXPENDITURES.—Total contributions from the Federal Government to the Fund may not exceed \$5,000,000.

(4) USE OF FUND.—Amounts in the Fund shall be available to the Secretary of Defense only for the purpose of conducting the commemorative program. The Secretary shall prescribe such regulations regarding the use of the Fund as the Secretary considers appropriate.

(5) AVAILABILITY.—Amounts in the Fund shall remain available until expended.

(6) TREATMENT OF UNOBLIGATED FUNDS.—Any unobligated amounts in the Fund as of the end of the [commemorative period specified in subsection (b)] shall remain in the Fund until transferred by law.

(7) BUDGET REQUEST.—The Secretary of Defense may establish a separate budget line for the commemorative program. In the budget justification materials submitted by the Secretary in support of the budget of the President for any fiscal year for which the

Secretary establishes the separate budget line, the Secretary shall—

(A) identify and explain any amounts expended for the commemorative program in the fiscal year preceding the budget request;

(B) identify and explain the amounts being requested to support the commemorative program for the fiscal year of the budget request; and

(C) present a current summary of the fiscal status of the Fund.

(g) ACCEPTANCE OF VOLUNTARY SERVICES.—

(1) AUTHORITY TO ACCEPT SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the commemorative program. The Secretary shall prohibit the solicitation of any voluntary services if the nature or circumstances of such solicitation would compromise the integrity or the appearance of integrity of any program of the Department of Defense or of any individual involved in the program.

(2) REIMBURSEMENT OF INCIDENTAL EXPENSES.—The Secretary may provide for reimbursement of incidental expenses incurred by a person providing voluntary services under this subsection. The Secretary shall determine which expenses are eligible for reimbursement under this paragraph.

(h) FINAL REPORT.—Not later than 60 days after the end of the commemorative program, the Secretary of Defense shall submit to Congress a report containing an accounting of the following:

(1) All of the amounts deposited into and expended from the Fund.

(2) Any other amounts expended pursuant to this section.

(3) Any unobligated funds remaining in the Fund as of the date of the report.

SA 1905. Mr. MCCAIN (for himself, Mr. REED, Mr. SULLIVAN, Mr. WICKER, Mr. INHOFE, Mr. GRAHAM, Mrs. ERNST, Mr. COTTON, and Ms. HIRONO) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle H of title V, add the following:

SEC. 593. SENSE OF CONGRESS ON THE CUMULATIVE IMPACT OF EFFORTS TO SLOW THE GROWTH OF PERSONNEL COSTS ON JUNIOR ENLISTED PERSONNEL OF THE ARMED FORCES AND THEIR FAMILIES.

Congress—

(1) remains concerned about the cumulative impact of Department of Defense efforts to slow the growth of personnel costs on junior enlisted personnel of the Armed Forces and their families; and

(2) encourages the Department to specifically consider these impacts when developing legislative proposals for consideration by Congress.

SA 1906. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construc-

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

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

SEC. 236. ASSESSMENT OF EFFECT OF BETTER BUYING POWER 3.0 INITIATIVE ON INDEPENDENT RESEARCH AND DEVELOPMENT.

(a) ASSESSMENT ON CHANGES MADE TO BETTER.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees an assessment of the Better Buying Power 3.0 initiative and its management of independent research and development activities by contractors of the Department of Defense.

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

(1) An assessment of the implementation of Better Buying Power 3.0 and how it balances the need for management of reimbursement of Department contractor independent research and development costs with the need to preserve the independence of a contractor to choose which technologies to pursue in its independent research and development program.

(2) An assessment of the costs, risks and benefits of proposed changes to the current guidelines of the Department for authorizing independent research and development by contractors and reimbursing such contractors for expenses relating to such independent research and development.

(3) Recommendations for legislative or administrative action to improve the ways in which the Department authorizes independent research and development by contractors of the Department and reimburses such contractors for expenses relating to such independent research and development.

SA 1907. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, between lines 10 and 11, insert the following:

(c) RE-ENGINEING STUDY.—Notwithstanding any other provision of law, the Air Force shall submit their B-52 re-engine analysis to the congressional defense committees not later than 90 days after the date of the enactment of this Act.

SA 1908. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 884. SMALL BUSINESS PROCUREMENT OMBUDSMAN.

(a) IN GENERAL.—The small business offices in the Office of the Secretary of Defense and the military departments shall serve as intermediaries between small businesses and contracting officials prior to the award of contracts in cases where a small business prospective contractor notifies the small business office that it has reason to believe that the contracting process has been modified to preclude a small business from bidding on the contract or would give another contractor an unfair competitive advantage.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude a contractor from exercising the right to initiate a bid protest under a contract.

SA 1909. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1065. STUDY ON RADIATION EXPOSURE FROM ATOMIC TESTING CLEANUP ON THE ENEWETAK ATOLL.

(a) STUDY REQUIRED.—The Secretary of Defense shall, in coordination with the Secretary of Veterans Affairs, the Secretary of Energy, the Director of the National Cancer Institute, and such others as the Secretary of Defense considers appropriate, conduct a study on radiation exposure from the atomic testing cleanup that occurred on the Enewetak Atoll during the period of years beginning with 1977 and ending with 1980.

(b) ELEMENTS.—The study conducted under subsection (a) shall include the following:

(1) A determination of the amount of radiation that members of the Armed Forces and civilians were exposed to as a result of the atomic testing cleanup that described in subsection (a), especially with respect to those who were located on Runit Island during such cleanup.

(2) Identification of the effects of the exposure described in paragraph (1).

(3) An estimate of the number of surviving veterans and other civilians who were exposed as described in paragraph (1).

SA 1910. Mr. TOOMEY (for himself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 417. CHIEF OF THE NATIONAL GUARD BUREAU AUTHORITY RELATING TO ALLOCATIONS TO STATES OF AUTHORIZED NUMBERS OF MEMBERS OF THE NATIONAL GUARD.

(a) MANDATORY REVIEW AND AUTHORIZED REDUCTION.—

(1) IN GENERAL.—The Chief of the National Guard Bureau—

(A) shall review each fiscal year the number of members of the Army National Guard of the United States and the Air National Guard of the United States serving in each State; and

(B) if the Chief of the National Guard Bureau makes the determination described in paragraph (2) with respect to a State in a fiscal year, may reduce the number of members of the Army National Guard of the United States or the Air National Guard of the United States, as applicable, to be allocated to serve in such State during the succeeding fiscal years.

(2) DETERMINATION.—A determination described in this paragraph is a determination with respect to a State that, during any three of the five fiscal years ending in the fiscal year in which such determination is made, the number of members of the Army National Guard of the United States or the Air National Guard of the United States serving in such State is or was fewer than the number authorized for the applicable fiscal year

(b) ADMINISTRATION OF REDUCTIONS.—In administering reductions under subsection (a)(1)(B), the Chief of the National Guard Bureau shall seek to ensure that—

(1) the number of members of the Army National Guard of the United States and the Air National Guard of the United States serving in each State each fiscal year is commensurate with the National Guard force structure in such State during such fiscal year; and

(2) the number of members of the National Guard serving on full-time duty for the purpose of organizing, administering, recruiting, instructing, or training the National Guard serving in each State during each fiscal year is commensurate with the National Guard force structure in such State during such fiscal year.

SA 1911. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REPORT ON DEPARTMENT OF DEFENSE DEFINITION OF AND POLICY REGARDING SOFTWARE SUSTAINMENT.

(a) REPORT ON ASSESSMENT OF DEFINITION AND POLICY.—Not later than March 15, 2016, the Secretary of Defense shall submit to the congressional defense committees and the President pro tempore of the Senate a report setting forth an assessment, obtained by the Secretary for purposes of the report, on the definition used by the Department of Defense for and the policy of the Department regarding software maintenance, particularly with respect to the totality of the term “software sustainment” in the definition of “depot-level maintenance and repair” under section 2460 of title 10, United States Code.

(b) INDEPENDENT ASSESSMENT.—The assessment obtained for purposes of subsection (a) shall be conducted by a federally funded research and development center (FFRDC), or another appropriate independent entity with expertise in matters described in subsection

(a), selected by the Secretary for purposes of the assessment.

(c) ELEMENTS.—

(1) IN GENERAL.—The assessment obtained for purposes of subsection (a) shall address, with respect to software and weapon systems of the Department of Defense (including space systems), each of the following:

(A) Fiscal ramifications of current programs with regard to the size, scope, and cost of software to the program’s overall budget, including embedded and support software, percentage of weapon systems’ functionality controlled by software, and reliance on proprietary data, processes, and components.

(B) Legal status of the Department in regards to adhering to section 2464(a)(1) of such title with respect to ensuring a ready and controlled source of maintenance and sustainment on software for its weapon systems.

(C) Operational risks and reduction to materiel readiness of current Department weapon systems related to software costs, delays, re-work, integration and functional testing, defects, and documentation errors.

(D) Other matters as identified by the Secretary.

(2) ADDITIONAL MATTERS.—For each of subparagraphs (A) through (C) of paragraph (1), the assessment obtained for purposes of subsection (a) shall include review and analysis regarding sole-source contracts, range of competition, rights in technical data, public and private capabilities, integration lab initial costs and sustaining operations, and total obligation authority costs of software, disaggregated by armed service, for the Department.

(d) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary of Defense shall provide the independent entity described in subsection (b) with timely access to appropriate information, data, resources, and analysis so that the entity may conduct a thorough and independent assessment as required under such subsection.

SA 1912. Mr. WARNER (for himself, Ms. HIRONO, and Mr. KING) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1614. STRATEGY FOR COMPREHENSIVE INTERAGENCY REVIEW OF THE UNITED STATES NATIONAL SECURITY OVERHEAD SATELLITE ARCHITECTURE.

(a) REQUIREMENT FOR STRATEGY.—The Director of National Intelligence, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff shall develop a strategy, with milestones and benchmarks, to ensure that there is a comprehensive interagency review of policies and practices for planning and acquiring national security satellite systems and architectures, including capabilities of commercial systems and partner countries, consistent with the National Space Policy issued on June 28, 2010, and section 1601 of this Act. Such strategy shall, where applicable, account for the unique missions and authorities vested in the Department of Defense and the intelligence community.

(b) ELEMENTS.—The strategy required by subsection (a) shall ensure that the United States national security overhead satellite architecture—

(1) meets the needs of the United States in peace time and is resilient in war time;

(2) responsibly stewards the taxpayers’ dollars;

(3) accurately takes into account cost and performance tradeoffs;

(4) meets realistic requirements;

(5) produces excellence, innovation, competition, and a robust industrial base;

(6) aims to produce innovative satellite systems in less than 5 years that are able to leverage common, standardized design elements and commercially available technologies;

(7) takes advantage of rapid advances in commercial technology, innovation, and commercial-like acquisition practices;

(8) is open to innovative concepts such as distributed, disaggregated architectures that could allow for better resiliency, reconstitution, replenishment, and rapid technological refresh; and

(9) emphasizes deterrence and recognizes the importance of offensive and defensive space control capabilities.

(c) REPORT ON STRATEGY.—Not later than February 28, 2016, the Director of National Intelligence, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff shall report to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives on the strategy required by subsection (a).

SA 1913. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REPEAL OF DUPLICATIVE INSPECTION AND GRADING PROGRAM.

(a) FOOD, CONSERVATION, AND ENERGY ACT OF 2008.—Effective June 18, 2008, section 11016 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2130) is repealed.

(b) AGRICULTURAL ACT OF 2014.—Effective February 7, 2014, section 12106 of the Agricultural Act of 2014 (Public Law 113-79; 128 Stat. 981) is repealed.

(c) APPLICATION.—The Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) shall be applied and administered as if the provisions of law struck by this section had not been enacted.

SA 1914. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 1002, insert the following:

SEC. 1002A. AUDIT READINESS OF THE FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Article 1, Section 9 of the Constitution of the United States requires of the agencies of the Federal Government, including the Department of Defense, that “a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time”.

(2) Congress passed a series of laws in the 1990s, beginning with the Chief Financial Officers Act of 1990, to require that all Government agencies and departments obtain opinions on their financial statements.

(3) On September 10, 2001, former Secretary of Defense Donald Rumsfeld, stated that “[a]ccording to some estimates, we cannot track \$2,300,000,000 in transactions. We cannot share information from floor to floor in this building because it’s stored on dozens of technological systems that are inaccessible or incompatible”.

(4) The National Defense Authorization Act for Fiscal Year 2010 codified a statutory requirement that the Department of Defense financial statements be validated as ready for audit not later than September 30, 2017.

(5) On April 21, 2015, the Deputy Chief Management Officer of the Department of Defense testified before the Committee on Armed Services of the Senate that “I have long been skeptical of the ability of the Department to achieve the statutory timeline for producing auditable financial statements”.

(6) In September 2010, the Government Accountability Office stated that past expenditures by the Department of Defense of \$5,800,000,000 to improve financial information, and billions of dollars more of anticipated expenditures on new information technology systems for that purpose, may not suffice to achieve full audit readiness of the financial statement of the Department.

(7) During his confirmation hearing in 2015, Secretary of Defense Ashton Carter submitted testimony stating that “[i]t is time that DoD finally lives up to its moral and legal obligation to be accountable to those who pay its bills. I intend to do everything we can—including holding people to account—to get this done”.

(8) The financial management practices of the Department of Defense have been on the “High Risk” list of the Government Accountability Office since 1995. As a result of poor financial management, the Department is unable to “control costs; ensure basic accountability; anticipate future costs and claims on the budget; measure performance; maintain funds control; and prevent and detect fraud, waste, and abuse”.

(b) FINANCIAL AUDIT FUND.—The Secretary of Defense shall establish a fund to be known as the “Financial Audit Fund” (in this section referred to as the “Fund”) for the purpose of supporting initiatives, programs, and activities that will assist the organizations, components, and elements of the Department of Defense in—

(1) improving the audit readiness of the financial statements of such organizations, components, and elements;

(2) obtaining unmodified audit opinions of the financial statements of such organizations, components, and elements; and

(3) maintaining unmodified audit opinions of the financial statements of such organizations, components, and elements.

(c) ELEMENTS.—Amounts in the Fund shall include the following:

(1) Amounts appropriated to the Fund.

(2) Amounts transferred to the Fund under subsection (e).

(3) Any other amounts authorized for transfer or deposit into the Fund by law.

(d) AVAILABILITY.—

(1) IN GENERAL.—Amounts in the Fund shall be available for initiatives, programs, and activities described in subsection (b) that are approved by the Secretary to support and maintain the audit readiness of the financial statement of the organizations, components, and elements of the Department of Defense.

(2) TRANSFER.—Amounts in the Fund may be transferred to any other account of the Department in order to fund initiatives, programs, and activities described in paragraph (1). Any amounts transferred from the Fund to an account shall be merged with amounts in the account to which transferred and shall be available subject to the same terms and conditions as amounts in such account, except that amounts so transferred shall remain available until expended. The authority to transfer amounts under this paragraph is in addition to any other authority of the Secretary to transfer amounts by law.

(3) PRIORITY.—In approving initiatives, programs, and activities to be funded with amounts in the Fund, the Secretary shall accord a priority to initiatives, programs, and activities that are designed to maintain unmodified audit opinions of financial statement of organizations, components, and elements of the Department that have previously obtained unmodified audit opinions of their financial statements.

(e) FAILURE TO ACHIEVE AUDIT READINESS.—

(1) REDUCTION IN AMOUNT AVAILABLE.—Subject to paragraph (2), if during any fiscal year after fiscal year 2017 the Secretary determines that an organization, component, or element of the Department has not achieved audit readiness of its financial statements for the calendar year ending during such fiscal year—

(A) the amount available to such organization, component, or element for the fiscal year in which such determination is made shall be equal to—

(i) the amount otherwise authorized to be appropriated for such organization, component, or element for the fiscal year, minus

(ii) an amount equal to 0.5 percent of the amount described in clause (i); and

(B) the Secretary shall deposit in the Fund pursuant to subsection (b)(2) all amounts unavailable to organizations, components, and elements of the Department in the fiscal year pursuant to determinations made under subparagraph (A).

(2) INAPPLICABILITY TO AMOUNTS FOR MILITARY PERSONNEL.—Any reduction applicable to an organization, component, or element of the Department under paragraph (1) for a fiscal year shall not apply to amounts, if any, available to such organization, component, or element for the fiscal year for military personnel.

SA 1915. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1085. SENSE OF SENATE ON THE IMPORTANCE OF INTERAGENCY COOPERATION FOR THE UNITED STATES NORTHERN COMMAND.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Commander of United States Northern Command (USNORTHCOM) testified before the Committee on Armed Services of the Senate that since September 11, 2001, “resurgent state actors have invested in new capabilities that make North America vulnerable in ways not seen in a generation” and particularly that the “unpredictable cascading impacts of a cyberspace attack have the potential to easily outpace those of a natural disaster”.

(2) The Joint Cyber Center was established in the United States Northern Command to integrate cybersecurity efforts into headquarters missions by improving situational awareness in the cyber domain, improving the defense of the networks of the Command, and providing cyber consequence response and recovery support to civil authorities.

(3) The responsibilities of United States Northern Command for homeland defense (including countering illegal drugs and combating transnational organized crime) and defense support of civil authorities (including domestic disaster relief operations during wildfires, hurricanes, earthquakes, and floods) depend on interagency partnerships and cooperation.

(4) During the past fire season, Air Force Reserve and Air National Guard C-130 aircraft equipped with the United States Forest Service Modular Airborne Fire Fighting System made 132 airdrops, releasing nearly 250,000 gallons of fire retardant to combat wildfires.

(5) The regional partnership of United States Northern Command with Mexico and the Bahamas in combating the trafficking of illegal drugs and persons and in training law enforcement and disaster relief personnel depends on cooperation with other agencies of the United States Government such as the Department of State, Department of Homeland Security, and the Federal Bureau of Investigation.

(6) The Commander of United States Northern Command is also the Commander of the North American Aerospace Defense Command (NORAD), the bi-national command with Canada. For more than 57 years, the United States has partnered with our vital ally to the north to provide aerospace warning, aerospace defense, and maritime warning in defense of North America. Since September 11, 2001, North American Aerospace Defense Command fighters have responded to more than 5,000 possible air threats in the United States and flown more than 62,500 sorties in defense of our homeland. Successful execution on the North American Aerospace Defense Command mission relies heavily on timely communication and seamless integration with numerous agencies of the United States Government such as the Federal Aviation Administration, the Department of Homeland Security, and Federal law enforcement agencies.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) continued interagency cooperation is vital to the successful discharge of the missions of the United States Northern Command, including homeland defense, cybersecurity, counterterrorism, counterdrug efforts, and defense support of civil authorities; and

(2) the United States Northern Command should continue its efforts to integrate cyberspace operations into its contingency plans and training exercises to understand better how cyber-attacks could be mitigated or prevented and how other Federal and

State government partners can effectively respond should such attacks occur.

SA 1916. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1085. DESIGNATION OF CONSTRUCTION AGENT FOR CERTAIN CONSTRUCTION PROJECTS BY DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall seek to enter into an agreement subject to subsections (b), (c), and (e) of section 1535 of title 31, United States Code, with the Army Corps of Engineers or another entity of the Federal Government to serve, on a reimbursable basis, as the construction agent on all construction projects of the Department of Veterans Affairs specifically authorized by Congress after the date of the enactment of this Act that involve a total expenditure of more than \$100,000,000, excluding any acquisition by exchange.

(b) AGREEMENT.—Under the agreement entered into under subsection (a), the construction agent shall provide design, procurement, and construction management services for the construction, alteration, and acquisition of facilities of the Department.

SA 1917. Mr. REED (for himself and Ms. HIRONO) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 314. REPORT ON USE OF DEMAND RESPONSE PROGRAMS.

(a) REPORT.—Not later than September 30, 2016, the Secretary of Defense shall submit to the congressional defense committees a report on the use of demand response programs at military installations.

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

(1) A description of the progress made in identifying installations where the use of demand response can be economically beneficial to the Department of Defense.

(2) A description of challenges to participation in demand response programs.

(3) A description of effective incentives for the participation of installations in these programs, including options for installations to gain access to the funds they earn for their participation.

(4) An assessment of possibilities for future expansion of demand response participation by the Department.

(5) An assessment of methods for receiving direct payments from utilities, independent

system operators, and third party aggregators for participation in demand response programs and utilizing these payments for energy-related purposes at the participating installations.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex as necessary.

SA 1918. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . JUDICIAL REVIEW OF VISA REVOCATION.

(a) IN GENERAL.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking “There shall be no means of judicial review” and all that follows and inserting the following: “Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, no court has jurisdiction to review a revocation under this subsection or to hear any claim arising from such a revocation.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act;

(2) apply to all visas issued before, on, or after such date; and

(3) apply to any claim pending on, or filed after, the date of the enactment of this Act.

SA 1919. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle ____—Safe Communities

SEC. ____ 1. SHORT TITLE.

This subtitle may be cited as the “Keep Our Communities Safe Act of 2015”.

SEC. ____ 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Constitutional rights should be upheld and protected;

(2) Congress intends to uphold the Constitutional principle of due process; and

(3) due process of the law is a right afforded to everyone in the United States.

SEC. ____ 3. DETENTION OF DANGEROUS ALIENS DURING REMOVAL PROCEEDINGS.

Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) by striking “Attorney General” each place such term appears (except in the second place it appears in subsection (a)) and inserting “Secretary of Homeland Security”;

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “the Secretary of Homeland Security or” before “the Attorney General—”; and

(B) in paragraph (2)(B), by striking “conditional parole” and inserting “recognizance”;

(3) in subsection (b)—

(A) in the subsection heading, by striking “PAROLE” and inserting “RECOGNIZANCE”; and

(B) by striking “parole” and inserting “recognizance”;

(4) in subsection (c)(1), by striking the undesignated matter following subparagraph (D) and inserting the following:

“any time after the alien is released, without regard to whether an alien is released related to any activity, offense, or conviction described in this paragraph; to whether the alien is released on parole, supervised release, or probation; or to whether the alien may be arrested or imprisoned again for the same offense. If the activity described in this paragraph does not result in the alien being taken into custody by any person other than the Secretary, then when the alien is brought to the attention of the Secretary or when the Secretary determines it is practical to take such alien into custody, the Secretary shall take such alien into custody.”;

(5) in subsection (e), by striking “Attorney General’s” and inserting “Secretary of Homeland Security’s”; and

(6) by adding at the end the following:

“(f) LENGTH OF DETENTION.—(1) Notwithstanding any other provision of this section, an alien may be detained under this section for any period, without limitation, except as provided in subsection (h), until the alien is subject to a final order of removal.

“(2) The length of detention under this section shall not affect a detention under section 241.

“(g) ADMINISTRATIVE REVIEW.—(1) The Attorney General’s review of the Secretary’s custody determinations under subsection (a) shall be limited to whether the alien may be detained, released on bond (of at least \$1,500 with security approved by the Secretary), or released with no bond. Any review involving an alien described in paragraph (2)(D) shall be limited to a determination of whether the alien is properly included in such category.

“(2) The Attorney General shall review the Secretary’s custody determinations for the following classes of aliens:

“(A) Aliens in exclusion proceedings.

“(B) Aliens described in section 212(a)(3) or 237(a)(4).

“(C) Aliens described in subsection (c).

“(D) Aliens in deportation proceedings subject to section 242(a)(2) (as in effect between April 24, 1996 and April 1, 1997).

“(h) RELEASE ON BOND.—(1) Subject to paragraphs (2) and (3), an alien detained under subsection (a) may seek release on bond.

“(2) No bond may be granted under this subsection except to an alien who establishes, by clear and convincing evidence, that the alien is not a flight risk or a risk to another person or the community.

“(3) No alien detained under subsection (c) may seek release on bond.”.

SEC. ____ 4. ALIENS ORDERED REMOVED.

Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) by striking “Attorney General” each place it appears, except for the first place it appears in paragraph (4)(B)(i), and inserting “Secretary of Homeland Security”;

(2) in paragraph (1)—

(A) by striking subparagraphs (B) and (C) and inserting the following:

“(B) BEGINNING OF PERIOD.—The removal period begins on the latest of—

“(i) the date on which the order of removal becomes administratively final;

“(ii) the date on which the alien is taken into such custody if the alien is not in the custody of the Secretary on the date on which the order of removal becomes administratively final; and

“(iii) the date on which the alien is taken into the custody of the Secretary after the alien is released from detention or confinement if the alien is detained or confined (except for an immigration process) on the date on which the order of removal becomes administratively final.

“(C) SUSPENSION OF PERIOD.—

“(i) EXTENSION.—The removal period shall be extended beyond a period of 90 days and the Secretary may, in the Secretary’s sole discretion, keep the alien in detention during such extended period, if—

“(I) the alien fails or refuses to make all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary’s efforts to establish the alien’s identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien’s departure or conspires or acts to prevent the alien’s removal that is subject to an order of removal;

“(II) a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administratively final order of removal;

“(III) the Secretary transfers custody of the alien pursuant to law to another Federal agency or a State or local government agency in connection with the official duties of such agency; or

“(IV) a court or the Board of Immigration Appeals orders a remand to an immigration judge or the Board of Immigration Appeals, during the time period when the case is pending a decision on remand (with the removal period beginning anew on the date that the alien is ordered removed on remand).

“(ii) RENEWAL.—If the removal period has been extended under clause (i), a new removal period shall be deemed to have begun on the date on which—

“(I) the alien makes all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary’s efforts to establish the alien’s identity and carry out the removal order;

“(II) the stay of removal is no longer in effect; or

“(III) the alien is returned to the custody of the Secretary.

“(iii) MANDATORY DETENTION FOR CERTAIN ALIENS.—The Secretary shall keep an alien described in subparagraphs (A) through (D) of section 236(c)(1) in detention during the extended period described in clause (i).

“(iv) SOLE FORM OF RELIEF.—An alien may only seek relief from detention under this subparagraph by filing an application for a writ of habeas corpus in accordance with chapter 153 of title 28, United States Code. No alien whose period of detention is extended under this subparagraph shall have the right to seek release on bond.”;

(3) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by inserting “or is not detained pursuant to paragraph (6)” after “the removal period”; and

(B) by amending subparagraph (D) to read as follows:

“(D) to obey reasonable restrictions on the alien’s conduct or activities that the Secretary prescribes for the alien—

“(i) to prevent the alien from absconding;

“(ii) for the protection of the community;

or

“(iii) for other purposes related to the enforcement of immigration laws.”;

(4) in paragraph (4)(A), by striking “paragraph (2)” and inserting “subparagraph (B)”; and

(5) by amending paragraph (6) to read as follows:

“(6) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS.—

“(A) DETENTION REVIEW PROCESS FOR COOPERATIVE ALIENS ESTABLISHED.—

“(i) IN GENERAL.—The Secretary of Homeland Security shall establish an administrative review process to determine whether an alien who is not otherwise subject to mandatory detention, who has made all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary’s efforts to establish the alien’s identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien’s departure, and who has not conspired or acted to prevent removal should be detained or released on conditions.

“(ii) DETERMINATION.—The Secretary shall make a determination whether to release an alien after the removal period in accordance with subparagraph (B), which—

“(I) shall include consideration of any evidence submitted by the alien; and

“(II) may include consideration of any other evidence, including—

“(aa) any information or assistance provided by the Secretary of State or other Federal official; and

“(bb) any other information available to the Secretary of Homeland Security pertaining to the ability to remove the alien.

“(B) AUTHORITY TO DETAIN BEYOND REMOVAL PERIOD.—

“(i) IN GENERAL.—The Secretary of Homeland Security may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)). An alien whose detention is extended under this subparagraph shall not have the right to seek release on bond.

“(ii) SPECIFIC CIRCUMSTANCES.—The Secretary may continue to detain an alien beyond the 90 days authorized under clause (i)—

“(I) until the alien is removed, if the Secretary determines that there is a significant likelihood that the alien—

“(aa) will be removed in the reasonably foreseeable future;

“(bb) would be removed in the reasonably foreseeable future; or

“(cc) would have been removed if the alien had not—

“(AA) failed or refused to make all reasonable efforts to comply with the removal order;

“(BB) failed or refused to cooperate fully with the Secretary’s efforts to establish the alien’s identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien’s departure; or

“(CC) conspired or acted to prevent removal;

“(II) until the alien is removed, if the Secretary of Homeland Security certifies in writing—

“(aa) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

“(bb) after receipt of a written recommendation from the Secretary of State, that release of the alien is likely to have serious adverse foreign policy consequences for the United States;

“(cc) based on information available to the Secretary of Homeland Security (including classified, sensitive, or national security information, and without regard to the grounds upon which the alien was ordered re-

moved), that there is reason to believe that the release of the alien would threaten the national security of the United States; or

“(dd) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or of any person; and

“(AA) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)) or of 1 or more crimes identified by the Secretary of Homeland Security by regulation, or of 1 or more attempts or conspiracies to commit any such aggravated felonies or such identified crimes, if the aggregate term of imprisonment for such attempts or conspiracies is at least 5 years; or

“(BB) the alien has committed 1 or more crimes of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future; or

“(III) pending a certification under subclause (II), if the Secretary of Homeland Security has initiated the administrative review process not later than 30 days after the expiration of the removal period (including any extension of the removal period under paragraph (1)(C)).

“(iii) NO RIGHT TO BOND HEARING.—An alien whose detention is extended under this subparagraph shall not have a right to seek release on bond, including by reason of a certification under clause (ii)(II).

“(C) RENEWAL AND DELEGATION OF CERTIFICATION.—

“(i) RENEWAL.—The Secretary of Homeland Security may renew a certification under subparagraph (B)(ii)(II) every 6 months after providing an opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew a certification, the Secretary may not continue to detain the alien under subparagraph (B)(ii)(II).

“(ii) DELEGATION.—Notwithstanding section 103, the Secretary may not delegate the authority to make or renew a certification described in item (bb), (cc), or (dd) of subparagraph (B)(ii)(II) below the level of the Assistant Secretary for Immigration and Customs Enforcement.

“(iii) HEARING.—The Secretary may request that the Attorney General or the Attorney General’s designee provide for a hearing to make the determination described in subparagraph (B)(ii)(II)(dd)(BB).

“(D) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention by a Federal court, the Board of Immigration Appeals, or if an immigration judge orders a stay of removal, the Secretary of Homeland Security may impose conditions on release in accordance with paragraph (3).

“(E) REDETENTION.—

“(i) IN GENERAL.—The Secretary of Homeland Security, without any limitations other than those specified in this section, may detain any alien subject to a final removal order who is released from custody if—

“(I) removal becomes likely in the reasonably foreseeable future;

“(II) the alien fails to comply with the conditions of release or to continue to satisfy the conditions described in subparagraph (A); or

“(III) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (B).

“(ii) APPLICABILITY.—This section shall apply to any alien returned to custody pursuant to this subparagraph as if the removal

period terminated on the day of the redetention.

“(F) REVIEW OF DETERMINATIONS BY SECRETARY.—A determination by the Secretary under this paragraph shall not be subject to review by any other agency.”.

SEC. 5. SEVERABILITY.

If any of the provisions of this subtitle, any amendment made by this subtitle, or the application of any such provision to any person or circumstance, is held to be invalid for any reason, the remainder of this subtitle, the amendments made by this subtitle, and the application of the provisions and amendments made by this subtitle to any other person or circumstance shall not be affected by such holding.

SEC. 6. EFFECTIVE DATES.

(a) APPREHENSION AND DETENTION OF ALIENS.—The amendments made by section 3 shall take effect on the date of the enactment of this Act. Section 236 of the Immigration and Nationality Act, as amended by section 3, shall apply to any alien in detention under the provisions of such section on or after such date of enactment.

(b) ALIENS ORDERED REMOVED.—The amendments made by section 4 shall take effect on the date of the enactment of this Act and shall apply to—

(1) all aliens subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(2) acts and conditions occurring or existing before, on, or after such date of enactment.

SA 1920. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle E-Verify

SEC. 1. SHORT TITLE.

This subtitle may be cited as the “Accountability Through Electronic Verification Act”.

SEC. 2. PERMANENT REAUTHORIZATION.

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) is amended by striking “Unless the Congress otherwise provides, the Secretary of Homeland Security shall terminate a pilot program on September 30, 2015.”.

SEC. 3. MANDATORY USE OF E-VERIFY.

(a) FEDERAL GOVERNMENT.—Section 402(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended—

(1) by amending subparagraph (A) to read as follows:

“(A) EXECUTIVE DEPARTMENTS AND AGENCIES.—Each department and agency of the Federal Government shall participate in E-Verify by complying with the terms and conditions set forth in this section.”; and

(2) in subparagraph (B), by striking “, that conducts hiring in a State” and all that follows and inserting “shall participate in E-Verify by complying with the terms and conditions set forth in this section.”.

(b) FEDERAL CONTRACTORS; CRITICAL EMPLOYERS.—Section 402(e) of the Illegal Immi-

gration Reform and Immigrant Responsibility Act of 1996, as amended by subsection (a), is further amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) UNITED STATES CONTRACTORS.—Any person, employer, or other entity that enters into a contract with the Federal Government shall participate in E-Verify by complying with the terms and conditions set forth in this section.

“(3) DESIGNATION OF CRITICAL EMPLOYERS.—Not later than 7 days after the date of the enactment of this paragraph, the Secretary of Homeland Security shall—

“(A) conduct an assessment of employers that are critical to the homeland security or national security needs of the United States;

“(B) designate and publish a list of employers and classes of employers that are deemed to be critical pursuant to the assessment conducted under subparagraph (A); and

“(C) require that critical employers designated pursuant to subparagraph (B) participate in E-Verify by complying with the terms and conditions set forth in this section not later than 30 days after the Secretary makes such designation.”.

(c) ALL EMPLOYERS.—Section 402 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by this section, is further amended—

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

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

“(f) MANDATORY PARTICIPATION IN E-VERIFY.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), all employers in the United States shall participate in E-Verify, with respect to all employees recruited, referred, or hired by such employer on or after the date that is 1 year after the date of the enactment of this subsection.

“(2) USE OF CONTRACT LABOR.—Any employer who uses a contract, subcontract, or exchange to obtain the labor of an individual in the United States shall certify in such contract, subcontract, or exchange that the employer uses E-Verify. If such certification is not included in a contract, subcontract, or exchange, the employer shall be deemed to have violated paragraph (1).

“(3) INTERIM MANDATORY PARTICIPATION.—

“(A) IN GENERAL.—Before the date set forth in paragraph (1), the Secretary of Homeland Security shall require any employer or class of employers to participate in E-Verify, with respect to all employees recruited, referred, or hired by such employer if the Secretary has reasonable cause to believe that the employer is or has been engaged in a material violation of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a).

“(B) NOTIFICATION.—Not later than 14 days before an employer or class of employers is required to begin participating in E-Verify pursuant to subparagraph (A), the Secretary shall provide such employer or class of employers with—

“(i) written notification of such requirement; and

“(ii) appropriate training materials to facilitate compliance with such requirement.”.

SEC. 4. CONSEQUENCES OF FAILURE TO PARTICIPATE.

(a) IN GENERAL.—Section 402(e)(5) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), as redesignated by section 3(b)(1), is amended to read as follows:

“(5) CONSEQUENCES OF FAILURE TO PARTICIPATE.—If a person or other entity that is required to participate in E-Verify fails to

comply with the requirements under this title with respect to an individual—

“(A) such failure shall be treated as a violation of section 274A(a)(1)(B) with respect to such individual; and

“(B) a rebuttable presumption is created that the person or entity has violated section 274A(a)(1)(A).”.

(b) PENALTIES.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (e)—

(A) in paragraph (4)—

(i) in subparagraph (A), in the matter preceding clause (i), by inserting “, subject to paragraph (10),” after “in an amount”; and

(ii) in subparagraph (A)(i), by striking “not less than \$250 and not more than \$2,000” and inserting “not less than \$2,500 and not more than \$5,000”; and

(iii) in subparagraph (A)(ii), by striking “not less than \$2,000 and not more than \$5,000” and inserting “not less than \$5,000 and not more than \$10,000”; and

(iv) in subparagraph (A)(iii), by striking “not less than \$3,000 and not more than \$10,000” and inserting “not less than \$10,000 and not more than \$25,000”; and

(v) by amending subparagraph (B) to read as follows:

“(B) may require the person or entity to take such other remedial action as is appropriate.”;

(B) in paragraph (5)—

(i) by inserting “, subject to paragraphs (10) through (12),” after “in an amount”; and

(ii) by striking “\$100” and inserting “\$1,000”; and

(iii) by striking “\$1,000” and inserting “\$25,000”; and

(iv) by striking “the size of the business of the employer being charged, the good faith of the employer” and inserting “the good faith of the employer being charged”; and

(v) by adding at the end the following: “Failure by a person or entity to utilize the employment eligibility verification system as required by law, or providing information to the system that the person or entity knows or reasonably believes to be false, shall be treated as a violation of subsection (a)(1)(A).”; and

(C) by adding at the end the following:

“(10) EXEMPTION FROM PENALTY.—In the case of imposition of a civil penalty under paragraph (4)(A) with respect to a violation of paragraph (1)(A) or (2) of subsection (a) for hiring or continuation of employment or recruitment or referral by person or entity and in the case of imposition of a civil penalty under paragraph (5) for a violation of subsection (a)(1)(B) for hiring or recruitment or referral by a person or entity, the penalty otherwise imposed may be waived or reduced if the violator establishes that the violator acted in good faith.

“(11) AUTHORITY TO DEBAR EMPLOYERS FOR CERTAIN VIOLATIONS.—

“(A) IN GENERAL.—If a person or entity is determined by the Secretary of Homeland Security to be a repeat violator of paragraph (1)(A) or (2) of subsection (a), or is convicted of a crime under this section, such person or entity may be considered for debarment from the receipt of Federal contracts, grants, or cooperative agreements in accordance with the debarment standards and pursuant to the debarment procedures set forth in the Federal Acquisition Regulation.

“(B) DOES NOT HAVE CONTRACT, GRANT, AGREEMENT.—If the Secretary of Homeland Security or the Attorney General wishes to have a person or entity considered for debarment in accordance with this paragraph, and such a person or entity does not hold a Federal contract, grant or cooperative agreement, the Secretary or Attorney General shall refer the matter to the Administrator

of General Services to determine whether to list the person or entity on the List of Parties Excluded from Federal Procurement, and if so, for what duration and under what scope.

“(C) HAS CONTRACT, GRANT, AGREEMENT.—If the Secretary of Homeland Security or the Attorney General wishes to have a person or entity considered for debarment in accordance with this paragraph, and such person or entity holds a Federal contract, grant or cooperative agreement, the Secretary or Attorney General shall advise all agencies or departments holding a contract, grant, or cooperative agreement with the person or entity of the Government’s interest in having the person or entity considered for debarment, and after soliciting and considering the views of all such agencies and departments, the Secretary or Attorney General may waive the operation of this paragraph or refer the matter to any appropriate lead agency to determine whether to list the person or entity on the List of Parties Excluded from Federal Procurement, and if so, for what duration and under what scope.

“(D) REVIEW.—Any decision to debar a person or entity under in accordance with this paragraph shall be reviewable pursuant to part 9.4 of the Federal Acquisition Regulation.”; and

(2) in subsection (f)—

(A) by amending paragraph (1) to read as follows:

“(1) CRIMINAL PENALTY.—Any person or entity which engages in a pattern or practice of violations of subsection (a)(1) or (2) shall be fined not more than \$15,000 for each unauthorized alien with respect to which such a violation occurs, imprisoned for not less than 1 year and not more than 10 years, or both, notwithstanding the provisions of any other Federal law relating to fine levels.”; and

(B) in paragraph (2), by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”.

SEC. 5. PREEMPTION; LIABILITY.

Section 402 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), as amended by this subtitle, is further amended by adding at the end the following:

“(h) LIMITATION ON STATE AUTHORITY.—

“(1) PREEMPTION.—A State or local government may not prohibit a person or other entity from verifying the employment authorization of new hires or current employees through E-Verify.

“(2) LIABILITY.—A person or other entity that participates in E-Verify may not be held liable under any Federal, State, or local law for any employment-related action taken with respect to the wrongful termination of an individual in good faith reliance on information provided through E-Verify.”.

SEC. 6. EXPANDED USE OF E-VERIFY.

Section 403(a)(3)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended to read as follows:

“(A) IN GENERAL.—

“(i) BEFORE HIRING.—The person or other entity may verify the employment eligibility of an individual through E-Verify before the individual is hired, recruited, or referred if the individual consents to such verification. If an employer receives a tentative nonconfirmation for an individual, the employer shall comply with procedures prescribed by the Secretary, including—

“(I) providing the individual employees with private, written notification of the finding and written referral instructions;

“(II) allowing the individual to contest the finding; and

“(III) not taking adverse action against the individual if the individual chooses to contest the finding.

“(ii) AFTER EMPLOYMENT OFFER.—The person or other entity shall verify the employment eligibility of an individual through E-Verify not later than 3 days after the date of the hiring, recruitment, or referral, as the case may be.

“(iii) EXISTING EMPLOYEES.—Not later than 3 years after the date of the enactment of the Accountability Through Electronic Verification Act, the Secretary shall require all employers to use E-Verify to verify the identity and employment eligibility of any individual who has not been previously verified by the employer through E-Verify.”.

SEC. 7. REVERIFICATION.

Section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by adding at the end the following:

“(5) REVERIFICATION.—Each person or other entity participating in E-Verify shall use the E-Verify confirmation system to reverify the work authorization of any individual not later than 3 days after the date on which such individual’s employment authorization is scheduled to expire (as indicated by the Secretary or the documents provided to the employer pursuant to section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b))), in accordance with the procedures set forth in this subsection and section 402.”.

SEC. 8. HOLDING EMPLOYERS ACCOUNTABLE.

(a) CONSEQUENCES OF NONCONFIRMATION.—Section 403(a)(4)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended to read as follows:

“(C) CONSEQUENCES OF NONCONFIRMATION.—

“(i) TERMINATION AND NOTIFICATION.—If the person or other entity receives a final nonconfirmation regarding an individual, the employer shall immediately—

“(I) terminate the employment, recruitment, or referral of the individual; and

“(II) submit to the Secretary any information relating to the individual that the Secretary determines would assist the Secretary in enforcing or administering United States immigration laws.

“(ii) CONSEQUENCE OF CONTINUED EMPLOYMENT.—If the person or other entity continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a).”.

(b) INTERAGENCY NONCONFIRMATION REPORT.—Section 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by adding at the end the following:

“(c) INTERAGENCY NONCONFIRMATION REPORT.—

“(1) IN GENERAL.—The Director of U.S. Citizenship and Immigration Services shall submit a weekly report to the Assistant Secretary of Immigration and Customs Enforcement that includes, for each individual who receives final nonconfirmation through E-Verify—

“(A) the name of such individual;

“(B) his or her Social Security number or alien file number;

“(C) the name and contact information for his or her current employer; and

“(D) any other critical information that the Assistant Secretary determines to be appropriate.

“(2) USE OF WEEKLY REPORT.—The Secretary of Homeland Security shall use information provided under paragraph (1) to enforce compliance of the United States immigration laws.”.

SEC. 9. INFORMATION SHARING.

The Commissioner of Social Security, the Secretary of Homeland Security, and the Secretary of the Treasury shall jointly establish a program to share information among such agencies that may or could lead to the identification of unauthorized aliens (as defined in section 274A(h)(3) of the Immigration and Nationality Act), including any no-match letter and any information in the earnings suspense file.

SEC. 10. FORM I-9 PROCESS.

Not later than 9 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to Congress that contains recommendations for—

(1) modifying and simplifying the process by which employers are required to complete and retain a Form I-9 for each employee pursuant to section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a); and

(2) eliminating the process described in paragraph (1).

SEC. 11. ALGORITHM.

Section 404(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended to read as follows:

“(d) DESIGN AND OPERATION OF SYSTEM.—E-Verify shall be designed and operated—

“(1) to maximize its reliability and ease of use by employers;

“(2) to insulate and protect the privacy and security of the underlying information;

“(3) to maintain appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

“(4) to respond accurately to all inquiries made by employers on whether individuals are authorized to be employed;

“(5) to register any times when E-Verify is unable to receive inquiries;

“(6) to allow for auditing use of the system to detect fraud and identify theft;

“(7) to preserve the security of the information in all of the system by—

“(A) developing and using algorithms to detect potential identity theft, such as multiple uses of the same identifying information or documents;

“(B) developing and using algorithms to detect misuse of the system by employers and employees;

“(C) developing capabilities to detect anomalies in the use of the system that may indicate potential fraud or misuse of the system; and

“(D) auditing documents and information submitted by potential employees to employers, including authority to conduct interviews with employers and employees;

“(8) to confirm identity and work authorization through verification of records maintained by the Secretary, other Federal departments, States, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States, as determined necessary by the Secretary, including—

“(A) records maintained by the Social Security Administration;

“(B) birth and death records maintained by vital statistics agencies of any State or other jurisdiction in the United States;

“(C) passport and visa records (including photographs) maintained by the Department of State; and

“(D) State driver’s license or identity card information (including photographs) maintained by State department of motor vehicles;

“(9) to electronically confirm the issuance of the employment authorization or identity document; and

“(10) to display the digital photograph that the issuer placed on the document so that

the employer can compare the photograph displayed to the photograph on the document presented by the employee or, in exceptional cases, if a photograph is not available from the issuer, to provide for a temporary alternative procedure, specified by the Secretary, for confirming the authenticity of the document.”.

SEC. 12. IDENTITY THEFT.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)(7), by striking “of another person” and inserting “that is not his or her own”; and

(2) in subsection (b)(3)—

(A) in subparagraph (B), by striking “or” at the end;

(B) in subparagraph (C), by adding “or” at the end; and

(C) by adding at the end the following:

“(D) to facilitate or assist in harboring or hiring unauthorized workers in violation of section 274, 274A, or 274C of the Immigration and Nationality Act (8 U.S.C. 1324, 1324a, and 1324c).”.

SEC. 13. SMALL BUSINESS DEMONSTRATION PROGRAM.

Section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended—

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

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

“(d) **SMALL BUSINESS DEMONSTRATION PROGRAM.**—Not later than 9 months after the date of the enactment of the Accountability Through Electronic Verification Act, the Director of U.S. Citizenship and Immigration Services shall establish a demonstration program that assists small businesses in rural areas or areas without internet capabilities to verify the employment eligibility of newly hired employees solely through the use of publicly accessible internet terminals.”.

SA 1921. Mr. BURR (for himself and Mr. MCCAIN) proposed an amendment to amendment SA 1569 proposed by Mr. BURR (for himself and Mrs. BOXER) to the amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike line 2 and all that follows and insert the following:

TITLE XVII—CYBERSECURITY INFORMATION SHARING

SECTION 1701. SHORT TITLE.

This title may be cited as the “Cybersecurity Information Sharing Act of 2015”.

SEC. 1702. DEFINITIONS.

In this title:

(1) **AGENCY.**—The term “agency” has the meaning given the term in section 3502 of title 44, United States Code.

(2) **ANTITRUST LAWS.**—The term “antitrust laws”—

(A) has the meaning given the term in section 1 of the Clayton Act (15 U.S.C. 12);

(B) includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section 5 of that Act applies to unfair methods of competition; and

(C) includes any State law that has the same intent and effect as the laws under subparagraphs (A) and (B).

(3) **APPROPRIATE FEDERAL ENTITIES.**—The term “appropriate Federal entities” means the following:

(A) The Department of Commerce.

(B) The Department of Defense.

(C) The Department of Energy.

(D) The Department of Homeland Security.

(E) The Department of Justice.

(F) The Department of the Treasury.

(G) The Office of the Director of National Intelligence.

(4) **CYBERSECURITY PURPOSE.**—The term “cybersecurity purpose” means the purpose of protecting an information system or information that is stored on, processed by, or transiting an information system from a cybersecurity threat or security vulnerability.

(5) **CYBERSECURITY THREAT.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term “cybersecurity threat” means an action, not protected by the First Amendment to the Constitution of the United States, on or through an information system that may result in an unauthorized effort to adversely impact the security, availability, confidentiality, or integrity of an information system or information that is stored on, processed by, or transiting an information system.

(B) **EXCLUSION.**—The term “cybersecurity threat” does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement.

(6) **CYBER THREAT INDICATOR.**—The term “cyber threat indicator” means information that is necessary to describe or identify—

(A) malicious reconnaissance, including anomalous patterns of communications that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat or security vulnerability;

(B) a method of defeating a security control or exploitation of a security vulnerability;

(C) a security vulnerability, including anomalous activity that appears to indicate the existence of a security vulnerability;

(D) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to unwittingly enable the defeat of a security control or exploitation of a security vulnerability;

(E) malicious cyber command and control;

(F) the actual or potential harm caused by an incident, including a description of the information exfiltrated as a result of a particular cybersecurity threat;

(G) any other attribute of a cybersecurity threat, if disclosure of such attribute is not otherwise prohibited by law; or

(H) any combination thereof.

(7) **DEFENSIVE MEASURE.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term “defensive measure” means an action, device, procedure, signature, technique, or other measure applied to an information system or information that is stored on, processed by, or transiting an information system that detects, prevents, or mitigates a known or suspected cybersecurity threat or security vulnerability.

(B) **EXCLUSION.**—The term “defensive measure” does not include a measure that destroys, renders unusable, or substantially harms an information system or data on an information system not belonging to—

(i) the private entity operating the measure; or

(ii) another entity or Federal entity that is authorized to provide consent and has provided consent to that private entity for operation of such measure.

(8) **ENTITY.**—

(A) **IN GENERAL.**—Except as otherwise provided in this paragraph, the term “entity”

means any private entity, non-Federal government agency or department, or State, tribal, or local government (including a political subdivision, department, or component thereof).

(B) **INCLUSIONS.**—The term “entity” includes a government agency or department of the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(C) **EXCLUSION.**—The term “entity” does not include a foreign power as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

(9) **FEDERAL ENTITY.**—The term “Federal entity” means a department or agency of the United States or any component of such department or agency.

(10) **INFORMATION SYSTEM.**—The term “information system”—

(A) has the meaning given the term in section 3502 of title 44, United States Code; and

(B) includes industrial control systems, such as supervisory control and data acquisition systems, distributed control systems, and programmable logic controllers.

(11) **LOCAL GOVERNMENT.**—The term “local government” means any borough, city, county, parish, town, township, village, or other political subdivision of a State.

(12) **MALICIOUS CYBER COMMAND AND CONTROL.**—The term “malicious cyber command and control” means a method for unauthorized remote identification of, access to, or use of, an information system or information that is stored on, processed by, or transiting an information system.

(13) **MALICIOUS RECONNAISSANCE.**—The term “malicious reconnaissance” means a method for actively probing or passively monitoring an information system for the purpose of discerning security vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

(14) **MONITOR.**—The term “monitor” means to acquire, identify, or scan, or to possess, information that is stored on, processed by, or transiting an information system.

(15) **PRIVATE ENTITY.**—

(A) **IN GENERAL.**—Except as otherwise provided in this paragraph, the term “private entity” means any person or private group, organization, proprietorship, partnership, trust, cooperative, corporation, or other commercial or nonprofit entity, including an officer, employee, or agent thereof.

(B) **INCLUSION.**—The term “private entity” includes a State, tribal, or local government performing electric utility services.

(C) **EXCLUSION.**—The term “private entity” does not include a foreign power as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

(16) **SECURITY CONTROL.**—The term “security control” means the management, operational, and technical controls used to protect against an unauthorized effort to adversely affect the confidentiality, integrity, and availability of an information system or its information.

(17) **SECURITY VULNERABILITY.**—The term “security vulnerability” means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control.

(18) **TRIBAL.**—The term “tribal” has the meaning given the term “Indian tribe” in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 1703. SHARING OF INFORMATION BY THE FEDERAL GOVERNMENT.

(a) **IN GENERAL.**—Consistent with the protection of classified information, intelligence sources and methods, and privacy

and civil liberties, the Director of National Intelligence, the Secretary of Homeland Security, the Secretary of Defense, and the Attorney General, in consultation with the heads of the appropriate Federal entities, shall develop and promulgate procedures to facilitate and promote—

(1) the timely sharing of classified cyber threat indicators in the possession of the Federal Government with cleared representatives of relevant entities;

(2) the timely sharing with relevant entities of cyber threat indicators or information in the possession of the Federal Government that may be declassified and shared at an unclassified level;

(3) the sharing with relevant entities, or the public if appropriate, of unclassified, including controlled unclassified, cyber threat indicators in the possession of the Federal Government; and

(4) the sharing with entities, if appropriate, of information in the possession of the Federal Government about cybersecurity threats to such entities to prevent or mitigate adverse effects from such cybersecurity threats.

(b) DEVELOPMENT OF PROCEDURES.—

(1) IN GENERAL.—The procedures developed and promulgated under subsection (a) shall—

(A) ensure the Federal Government has and maintains the capability to share cyber threat indicators in real time consistent with the protection of classified information;

(B) incorporate, to the greatest extent practicable, existing processes and existing roles and responsibilities of Federal and non-Federal entities for information sharing by the Federal Government, including sector specific information sharing and analysis centers;

(C) include procedures for notifying entities that have received a cyber threat indicator from a Federal entity under this title that is known or determined to be in error or in contravention of the requirements of this title or another provision of Federal law or policy of such error or contravention;

(D) include requirements for Federal entities receiving cyber threat indicators or defensive measures to implement and utilize security controls to protect against unauthorized access to or acquisition of such cyber threat indicators or defensive measures; and

(E) include procedures that require a Federal entity, prior to the sharing of a cyber threat indicator—

(i) to review such cyber threat indicator to assess whether such cyber threat indicator contains any information that such Federal entity knows at the time of sharing to be personal information of or identifying a specific person not directly related to a cybersecurity threat and remove such information; or

(ii) to implement and utilize a technical capability configured to remove any personal information of or identifying a specific person not directly related to a cybersecurity threat.

(2) COORDINATION.—In developing the procedures required under this section, the Director of National Intelligence, the Secretary of Homeland Security, the Secretary of Defense, and the Attorney General shall coordinate with appropriate Federal entities, including the National Laboratories (as defined in section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 15801)), to ensure that effective protocols are implemented that will facilitate and promote the sharing of cyber threat indicators by the Federal Government in a timely manner.

(c) SUBMITTAL TO CONGRESS.—Not later than 60 days after the date of the enactment of this title, the Director of National Intelligence, in consultation with the heads of the

appropriate Federal entities, shall submit to Congress the procedures required by subsection (a).

SEC. 1704. AUTHORIZATIONS FOR PREVENTING, DETECTING, ANALYZING, AND MITIGATING CYBERSECURITY THREATS.

(a) AUTHORIZATION FOR MONITORING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a private entity may, for cybersecurity purposes, monitor—

(A) an information system of such private entity;

(B) an information system of another entity, upon the authorization and written consent of such other entity;

(C) an information system of a Federal entity, upon the authorization and written consent of an authorized representative of the Federal entity; and

(D) information that is stored on, processed by, or transiting an information system monitored by the private entity under this paragraph.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to authorize the monitoring of an information system, or the use of any information obtained through such monitoring, other than as provided in this title; or

(B) to limit otherwise lawful activity.

(b) AUTHORIZATION FOR OPERATION OF DEFENSIVE MEASURES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a private entity may, for cybersecurity purposes, operate a defensive measure that is applied to—

(A) an information system of such private entity in order to protect the rights or property of the private entity;

(B) an information system of another entity upon written consent of such entity for operation of such defensive measure to protect the rights or property of such entity; and

(C) an information system of a Federal entity upon written consent of an authorized representative of such Federal entity for operation of such defensive measure to protect the rights or property of the Federal Government.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to authorize the use of a defensive measure other than as provided in this subsection; or

(B) to limit otherwise lawful activity.

(c) AUTHORIZATION FOR SHARING OR RECEIVING CYBER THREAT INDICATORS OR DEFENSIVE MEASURES.—

(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of law, an entity may, for the purposes permitted under this title and consistent with the protection of classified information, share with, or receive from, any other entity or the Federal Government a cyber threat indicator or defensive measure.

(2) LAWFUL RESTRICTION.—An entity receiving a cyber threat indicator or defensive measure from another entity or Federal entity shall comply with otherwise lawful restrictions placed on the sharing or use of such cyber threat indicator or defensive measure by the sharing entity or Federal entity.

(3) CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to authorize the sharing or receiving of a cyber threat indicator or defensive measure other than as provided in this subsection; or

(B) to limit otherwise lawful activity.

(d) PROTECTION AND USE OF INFORMATION.—

(1) SECURITY OF INFORMATION.—An entity monitoring an information system, operating a defensive measure, or providing or receiving a cyber threat indicator or defensive measure under this section shall imple-

ment and utilize a security control to protect against unauthorized access to or acquisition of such cyber threat indicator or defensive measure.

(2) REMOVAL OF CERTAIN PERSONAL INFORMATION.—An entity sharing a cyber threat indicator pursuant to this title shall, prior to such sharing—

(A) review such cyber threat indicator to assess whether such cyber threat indicator contains any information that the entity knows at the time of sharing to be personal information of or identifying a specific person not directly related to a cybersecurity threat and remove such information; or

(B) implement and utilize a technical capability configured to remove any information contained within such indicator that the entity knows at the time of sharing to be personal information of or identifying a specific person not directly related to a cybersecurity threat.

(3) USE OF CYBER THREAT INDICATORS AND DEFENSIVE MEASURES BY ENTITIES.—

(A) IN GENERAL.—Consistent with this title, a cyber threat indicator or defensive measure shared or received under this section may, for cybersecurity purposes—

(i) be used by an entity to monitor or operate a defensive measure on—

(I) an information system of the entity; or

(II) an information system of another entity or a Federal entity upon the written consent of that other entity or that Federal entity; and

(ii) be otherwise used, retained, and further shared by an entity subject to—

(I) an otherwise lawful restriction placed by the sharing entity or Federal entity on such cyber threat indicator or defensive measure; or

(II) an otherwise applicable provision of law.

(B) CONSTRUCTION.—Nothing in this paragraph shall be construed to authorize the use of a cyber threat indicator or defensive measure other than as provided in this section.

(4) USE OF CYBER THREAT INDICATORS BY STATE, TRIBAL, OR LOCAL GOVERNMENT.—

(A) LAW ENFORCEMENT USE.—

(i) PRIOR WRITTEN CONSENT.—Except as provided in clause (ii), a cyber threat indicator shared with a State, tribal, or local government under this section may, with the prior written consent of the entity sharing such indicator, be used by a State, tribal, or local government for the purpose of preventing, investigating, or prosecuting any of the offenses described in section 1705(d)(5)(A)(vi).

(ii) ORAL CONSENT.—If exigent circumstances prevent obtaining written consent under clause (i), such consent may be provided orally with subsequent documentation of the consent.

(B) EXEMPTION FROM DISCLOSURE.—A cyber threat indicator shared with a State, tribal, or local government under this section shall be—

(i) deemed voluntarily shared information; and

(ii) exempt from disclosure under any State, tribal, or local law requiring disclosure of information or records.

(C) STATE, TRIBAL, AND LOCAL REGULATORY AUTHORITY.—

(i) IN GENERAL.—Except as provided in clause (ii), a cyber threat indicator or defensive measure shared with a State, tribal, or local government under this title shall not be directly used by any State, tribal, or local government to regulate, including an enforcement action, the lawful activity of any entity, including an activity relating to monitoring, operating a defensive measure, or sharing of a cyber threat indicator.

(ii) REGULATORY AUTHORITY SPECIFICALLY RELATING TO PREVENTION OR MITIGATION OF

CYBERSECURITY THREATS.—A cyber threat indicator or defensive measures shared as described in clause (i) may, consistent with a State, tribal, or local government regulatory authority specifically relating to the prevention or mitigation of cybersecurity threats to information systems, inform the development or implementation of a regulation relating to such information systems.

(e) ANTITRUST EXEMPTION.—

(1) IN GENERAL.—Except as provided in section 1708(e), it shall not be considered a violation of any provision of antitrust laws for 2 or more private entities to exchange or provide a cyber threat indicator, or assistance relating to the prevention, investigation, or mitigation of a cybersecurity threat, for cybersecurity purposes under this title.

(2) APPLICABILITY.—Paragraph (1) shall apply only to information that is exchanged or assistance provided in order to assist with—

(A) facilitating the prevention, investigation, or mitigation of a cybersecurity threat to an information system or information that is stored on, processed by, or transiting an information system; or

(B) communicating or disclosing a cyber threat indicator to help prevent, investigate, or mitigate the effect of a cybersecurity threat to an information system or information that is stored on, processed by, or transiting an information system.

(f) NO RIGHT OR BENEFIT.—The sharing of a cyber threat indicator with an entity under this title shall not create a right or benefit to similar information by such entity or any other entity.

SEC. 1705. SHARING OF CYBER THREAT INDICATORS AND DEFENSIVE MEASURES WITH THE FEDERAL GOVERNMENT.

(a) REQUIREMENT FOR POLICIES AND PROCEDURES.—

(1) INTERIM POLICIES AND PROCEDURES.—Not later than 60 days after the date of the enactment of this title, the Attorney General, in coordination with the heads of the appropriate Federal entities, shall develop and submit to Congress interim policies and procedures relating to the receipt of cyber threat indicators and defensive measures by the Federal Government.

(2) FINAL POLICIES AND PROCEDURES.—Not later than 180 days after the date of the enactment of this title, the Attorney General shall, in coordination with the heads of the appropriate Federal entities, promulgate final policies and procedures relating to the receipt of cyber threat indicators and defensive measures by the Federal Government.

(3) REQUIREMENTS CONCERNING POLICIES AND PROCEDURES.—Consistent with the guidelines required by subsection (b), the policies and procedures developed and promulgated under this subsection shall—

(A) ensure that cyber threat indicators are shared with the Federal Government by any entity pursuant to section 1704(c) through the real-time process described in subsection (c) of this section—

(i) are shared in an automated manner with all of the appropriate Federal entities;

(ii) are not subject to any delay, modification, or any other action that could impede real-time receipt by all of the appropriate Federal entities; and

(iii) may be provided to other Federal entities;

(B) ensure that cyber threat indicators shared with the Federal Government by any entity pursuant to section 1704 in a manner other than the real-time process described in subsection (c) of this section—

(i) are shared as quickly as operationally practicable with all of the appropriate Federal entities;

(ii) are not subject to any unnecessary delay, interference, or any other action that

could impede receipt by all of the appropriate Federal entities; and

(iii) may be provided to other Federal entities;

(C) consistent with this title, any other applicable provisions of law, and the fair information practice principles set forth in appendix A of the document entitled “National Strategy for Trusted Identities in Cyberspace” and published by the President in April 2011, govern the retention, use, and dissemination by the Federal Government of cyber threat indicators shared with the Federal Government under this title, including the extent, if any, to which such cyber threat indicators may be used by the Federal Government; and

(D) ensure there is—

(i) an audit capability; and

(ii) appropriate sanctions in place for officers, employees, or agents of a Federal entity who knowingly and willfully conduct activities under this title in an unauthorized manner.

(4) GUIDELINES FOR ENTITIES SHARING CYBER THREAT INDICATORS WITH FEDERAL GOVERNMENT.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this title, the Attorney General shall develop and make publicly available guidance to assist entities and promote sharing of cyber threat indicators with Federal entities under this title.

(B) CONTENTS.—The guidelines developed and made publicly available under subparagraph (A) shall include guidance on the following:

(i) Identification of types of information that would qualify as a cyber threat indicator under this title that would be unlikely to include personal information of or identifying a specific person not directly related to a cyber security threat.

(ii) Identification of types of information protected under otherwise applicable privacy laws that are unlikely to be directly related to a cybersecurity threat.

(iii) Such other matters as the Attorney General considers appropriate for entities sharing cyber threat indicators with Federal entities under this title.

(b) PRIVACY AND CIVIL LIBERTIES.—

(1) GUIDELINES OF ATTORNEY GENERAL.—Not later than 60 days after the date of the enactment of this title, the Attorney General shall, in coordination with heads of the appropriate Federal entities and in consultation with officers designated under section 1062 of the National Security Intelligence Reform Act of 2004 (42 U.S.C. 2000ee-1), develop, submit to Congress, and make available to the public interim guidelines relating to privacy and civil liberties which shall govern the receipt, retention, use, and dissemination of cyber threat indicators by a Federal entity obtained in connection with activities authorized in this title.

(2) FINAL GUIDELINES.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this title, the Attorney General shall, in coordination with heads of the appropriate Federal entities and in consultation with officers designated under section 1062 of the National Security Intelligence Reform Act of 2004 (42 U.S.C. 2000ee-1) and such private entities with industry expertise as the Attorney General considers relevant, promulgate final guidelines relating to privacy and civil liberties which shall govern the receipt, retention, use, and dissemination of cyber threat indicators by a Federal entity obtained in connection with activities authorized in this title.

(B) PERIODIC REVIEW.—The Attorney General shall, in coordination with heads of the appropriate Federal entities and in consulta-

tion with officers and private entities described in subparagraph (A), periodically review the guidelines promulgated under subparagraph (A).

(3) CONTENT.—The guidelines required by paragraphs (1) and (2) shall, consistent with the need to protect information systems from cybersecurity threats and mitigate cybersecurity threats—

(A) limit the impact on privacy and civil liberties of activities by the Federal Government under this title;

(B) limit the receipt, retention, use, and dissemination of cyber threat indicators containing personal information of or identifying specific persons, including by establishing—

(i) a process for the timely destruction of such information that is known not to be directly related to uses authorized under this title; and

(ii) specific limitations on the length of any period in which a cyber threat indicator may be retained;

(C) include requirements to safeguard cyber threat indicators containing personal information of or identifying specific persons from unauthorized access or acquisition, including appropriate sanctions for activities by officers, employees, or agents of the Federal Government in contravention of such guidelines;

(D) include procedures for notifying entities and Federal entities if information received pursuant to this section is known or determined by a Federal entity receiving such information not to constitute a cyber threat indicator;

(E) protect the confidentiality of cyber threat indicators containing personal information of or identifying specific persons to the greatest extent practicable and require recipients to be informed that such indicators may only be used for purposes authorized under this title; and

(F) include steps that may be needed so that dissemination of cyber threat indicators is consistent with the protection of classified and other sensitive national security information.

(c) CAPABILITY AND PROCESS WITHIN THE DEPARTMENT OF HOMELAND SECURITY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this title, the Secretary of Homeland Security, in coordination with the heads of the appropriate Federal entities, shall develop and implement a capability and process within the Department of Homeland Security that—

(A) shall accept from any entity in real time cyber threat indicators and defensive measures, pursuant to this section;

(B) shall, upon submittal of the certification under paragraph (2) that such capability and process fully and effectively operates as described in such paragraph, be the process by which the Federal Government receives cyber threat indicators and defensive measures under this title that are shared by a private entity with the Federal Government through electronic mail or media, an interactive form on an Internet website, or a real time, automated process between information systems except—

(i) communications between a Federal entity and a private entity regarding a previously shared cyber threat indicator; and

(ii) communications by a regulated entity with such entity's Federal regulatory authority regarding a cybersecurity threat;

(C) ensures that all of the appropriate Federal entities receive in an automated manner such cyber threat indicators shared through the real-time process within the Department of Homeland Security;

(D) is in compliance with the policies, procedures, and guidelines required by this section; and

(E) does not limit or prohibit otherwise lawful disclosures of communications, records, or other information, including—

(i) reporting of known or suspected criminal activity, by an entity to any other entity or a Federal entity;

(ii) voluntary or legally compelled participation in a Federal investigation; and

(iii) providing cyber threat indicators or defensive measures as part of a statutory or authorized contractual requirement.

(2) CERTIFICATION.—Not later than 10 days prior to the implementation of the capability and process required by paragraph (1), the Secretary of Homeland Security shall, in consultation with the heads of the appropriate Federal entities, certify to Congress whether such capability and process fully and effectively operates—

(A) as the process by which the Federal Government receives from any entity a cyber threat indicator or defensive measure under this title; and

(B) in accordance with the policies, procedures, and guidelines developed under this section.

(3) PUBLIC NOTICE AND ACCESS.—The Secretary of Homeland Security shall ensure there is public notice of, and access to, the capability and process developed and implemented under paragraph (1) so that—

(A) any entity may share cyber threat indicators and defensive measures through such process with the Federal Government; and

(B) all of the appropriate Federal entities receive such cyber threat indicators and defensive measures in real time with receipt through the process within the Department of Homeland Security.

(4) OTHER FEDERAL ENTITIES.—The process developed and implemented under paragraph (1) shall ensure that other Federal entities receive in a timely manner any cyber threat indicators and defensive measures shared with the Federal Government through such process.

(5) REPORT ON DEVELOPMENT AND IMPLEMENTATION.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this title, the Secretary of Homeland Security shall submit to Congress a report on the development and implementation of the capability and process required by paragraph (1), including a description of such capability and process and the public notice of, and access to, such process.

(B) CLASSIFIED ANNEX.—The report required by subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(C) INFORMATION SHARED WITH OR PROVIDED TO THE FEDERAL GOVERNMENT.—

(1) NO WAIVER OF PRIVILEGE OR PROTECTION.—The provision of cyber threat indicators and defensive measures to the Federal Government under this title shall not constitute a waiver of any applicable privilege or protection provided by law, including trade secret protection.

(2) PROPRIETARY INFORMATION.—Consistent with section 1704(c)(2), a cyber threat indicator or defensive measure provided by an entity to the Federal Government under this title shall be considered the commercial, financial, and proprietary information of such entity when so designated by the originating entity or a third party acting in accordance with the written authorization of the originating entity.

(3) EXEMPTION FROM DISCLOSURE.—Cyber threat indicators and defensive measures provided to the Federal Government under this title shall be—

(A) deemed voluntarily shared information and exempt from disclosure under section 552 of title 5, United States Code, and any State,

tribal, or local law requiring disclosure of information or records; and

(B) withheld, without discretion, from the public under section 552(b)(3)(B) of title 5, United States Code, and any State, tribal, or local provision of law requiring disclosure of information or records.

(4) EX PARTE COMMUNICATIONS.—The provision of a cyber threat indicator or defensive measure to the Federal Government under this title shall not be subject to a rule of any Federal agency or department or any judicial doctrine regarding ex parte communications with a decisionmaking official.

(5) DISCLOSURE, RETENTION, AND USE.—

(A) AUTHORIZED ACTIVITIES.—Cyber threat indicators and defensive measures provided to the Federal Government under this title may be disclosed to, retained by, and used by, consistent with otherwise applicable provisions of Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal Government solely for—

(i) a cybersecurity purpose;

(ii) the purpose of identifying a cybersecurity threat, including the source of such cybersecurity threat, or a security vulnerability;

(iii) the purpose of identifying a cybersecurity threat involving the use of an information system by a foreign adversary or terrorist;

(iv) the purpose of responding to, or otherwise preventing or mitigating, an imminent threat of death, serious bodily harm, or serious economic harm, including a terrorist act or a use of a weapon of mass destruction;

(v) the purpose of responding to, or otherwise preventing or mitigating, a serious threat to a minor, including sexual exploitation and threats to physical safety; or

(vi) the purpose of preventing, investigating, disrupting, or prosecuting an offense arising out of a threat described in clause (iv) or any of the offenses listed in—

(I) section 3559(c)(2)(F) of title 18, United States Code (relating to serious violent felonies);

(II) sections 1028 through 1030 of such title (relating to fraud and identity theft);

(III) chapter 37 of such title (relating to espionage and censorship); and

(IV) chapter 90 of such title (relating to protection of trade secrets).

(B) PROHIBITED ACTIVITIES.—Cyber threat indicators and defensive measures provided to the Federal Government under this title shall not be disclosed to, retained by, or used by any Federal agency or department for any use not permitted under subparagraph (A).

(C) PRIVACY AND CIVIL LIBERTIES.—Cyber threat indicators and defensive measures provided to the Federal Government under this title shall be retained, used, and disseminated by the Federal Government—

(i) in accordance with the policies, procedures, and guidelines required by subsections (a) and (b);

(ii) in a manner that protects from unauthorized use or disclosure any cyber threat indicators that may contain personal information of or identifying specific persons; and

(iii) in a manner that protects the confidentiality of cyber threat indicators containing personal information of or identifying a specific person.

(D) FEDERAL REGULATORY AUTHORITY.—

(i) IN GENERAL.—Except as provided in clause (ii), cyber threat indicators and defensive measures provided to the Federal Government under this title shall not be directly used by any Federal, State, tribal, or local government to regulate, including an enforcement action, the lawful activities of any entity, including activities relating to monitoring, operating defensive measures, or sharing cyber threat indicators.

(ii) EXCEPTIONS.—

(I) REGULATORY AUTHORITY SPECIFICALLY RELATING TO PREVENTION OR MITIGATION OF CYBERSECURITY THREATS.—Cyber threat indicators and defensive measures provided to the Federal Government under this title may, consistent with Federal or State regulatory authority specifically relating to the prevention or mitigation of cybersecurity threats to information systems, inform the development or implementation of regulations relating to such information systems.

(II) PROCEDURES DEVELOPED AND IMPLEMENTED UNDER THIS TITLE.—Clause (i) shall not apply to procedures developed and implemented under this title.

SEC. 1706. PROTECTION FROM LIABILITY.

(a) MONITORING OF INFORMATION SYSTEMS.—No cause of action shall lie or be maintained in any court against any private entity, and such action shall be promptly dismissed, for the monitoring of information systems and information under section 1704(a) that is conducted in accordance with this title.

(b) SHARING OR RECEIPT OF CYBER THREAT INDICATORS.—No cause of action shall lie or be maintained in any court against any entity, and such action shall be promptly dismissed, for the sharing or receipt of cyber threat indicators or defensive measures under section 1704(c) if—

(1) such sharing or receipt is conducted in accordance with this title; and

(2) in a case in which a cyber threat indicator or defensive measure is shared with the Federal Government, the cyber threat indicator or defensive measure is shared in a manner that is consistent with section 1705(c)(1)(B) and the sharing or receipt, as the case may be, occurs after the earlier of—

(A) the date on which the interim policies and procedures are submitted to Congress under section 1705(a)(1); or

(B) the date that is 60 days after the date of the enactment of this title.

(c) CONSTRUCTION.—Nothing in this section shall be construed—

(1) to require dismissal of a cause of action against an entity that has engaged in gross negligence or willful misconduct in the course of conducting activities authorized by this title; or

(2) to undermine or limit the availability of otherwise applicable common law or statutory defenses.

SEC. 1707. OVERSIGHT OF GOVERNMENT ACTIVITIES.

(a) BIENNIAL REPORT ON IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this title, and not less frequently than once every 2 years thereafter, the heads of the appropriate Federal entities shall jointly submit and the Inspector General of the Department of Homeland Security, the Inspector General of the Intelligence Community, the Inspector General of the Department of Justice, the Inspector General of the Department of Defense, and the Inspector General of the Department of Energy, in consultation with the Council of Inspectors General on Financial Oversight, shall jointly submit to Congress a detailed report concerning the implementation of this title.

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

(A) An assessment of the sufficiency of the policies, procedures, and guidelines required by section 1705 in ensuring that cyber threat indicators are shared effectively and responsibly within the Federal Government.

(B) An evaluation of the effectiveness of real-time information sharing through the capability and process developed under section 1705(c), including any impediments to such real-time sharing.

(C) An assessment of the sufficiency of the procedures developed under section 1703 in ensuring that cyber threat indicators in the possession of the Federal Government are shared in a timely and adequate manner with appropriate entities, or, if appropriate, are made publicly available.

(D) An assessment of whether cyber threat indicators have been properly classified and an accounting of the number of security clearances authorized by the Federal Government for the purposes of this title.

(E) A review of the type of cyber threat indicators shared with the Federal Government under this title, including the following:

(i) The degree to which such information may impact the privacy and civil liberties of specific persons.

(ii) A quantitative and qualitative assessment of the impact of the sharing of such cyber threat indicators with the Federal Government on privacy and civil liberties of specific persons.

(iii) The adequacy of any steps taken by the Federal Government to reduce such impact.

(F) A review of actions taken by the Federal Government based on cyber threat indicators shared with the Federal Government under this title, including the appropriateness of any subsequent use or dissemination of such cyber threat indicators by a Federal entity under section 1705.

(G) A description of any significant violations of the requirements of this title by the Federal Government.

(H) A summary of the number and type of entities that received classified cyber threat indicators from the Federal Government under this title and an evaluation of the risks and benefits of sharing such cyber threat indicators.

(3) RECOMMENDATIONS.—Each report submitted under paragraph (1) may include recommendations for improvements or modifications to the authorities and processes under this title.

(4) FORM OF REPORT.—Each report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) REPORTS ON PRIVACY AND CIVIL LIBERTIES.—

(1) BIENNIAL REPORT FROM PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.—Not later than 2 years after the date of the enactment of this title and not less frequently than once every 2 years thereafter, the Privacy and Civil Liberties Oversight Board shall submit to Congress and the President a report providing—

(A) an assessment of the effect on privacy and civil liberties by the type of activities carried out under this title; and

(B) an assessment of the sufficiency of the policies, procedures, and guidelines established pursuant to section 1705 in addressing concerns relating to privacy and civil liberties.

(2) BIENNIAL REPORT OF INSPECTORS GENERAL.—

(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this title and not less frequently than once every 2 years thereafter, the Inspector General of the Department of Homeland Security, the Inspector General of the Intelligence Community, the Inspector General of the Department of Justice, the Inspector General of the Department of Defense, and the Inspector General of the Department of Energy shall, in consultation with the Council of Inspectors General on Financial Oversight, jointly submit to Congress a report on the receipt, use, and dissemination of cyber threat indicators and defensive measures that have

been shared with Federal entities under this title.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include the following:

(i) A review of the types of cyber threat indicators shared with Federal entities.

(ii) A review of the actions taken by Federal entities as a result of the receipt of such cyber threat indicators.

(iii) A list of Federal entities receiving such cyber threat indicators.

(iv) A review of the sharing of such cyber threat indicators among Federal entities to identify inappropriate barriers to sharing information.

(3) RECOMMENDATIONS.—Each report submitted under this subsection may include such recommendations as the Privacy and Civil Liberties Oversight Board, with respect to a report submitted under paragraph (1), or the Inspectors General referred to in paragraph (2)(A), with respect to a report submitted under paragraph (2), may have for improvements or modifications to the authorities under this title.

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

SEC. 1708. CONSTRUCTION AND PREEMPTION.

(a) OTHERWISE LAWFUL DISCLOSURES.—Nothing in this title shall be construed—

(1) to limit or prohibit otherwise lawful disclosures of communications, records, or other information, including reporting of known or suspected criminal activity, by an entity to any other entity or the Federal Government under this title; or

(2) to limit or prohibit otherwise lawful use of such disclosures by any Federal entity, even when such otherwise lawful disclosures duplicate or replicate disclosures made under this title.

(b) WHISTLE BLOWER PROTECTIONS.—Nothing in this title shall be construed to prohibit or limit the disclosure of information protected under section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats), section 7211 of title 5, United States Code (governing disclosures to Congress), section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military), section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) (governing disclosure by employees of elements of the intelligence community), or any similar provision of Federal or State law.

(c) PROTECTION OF SOURCES AND METHODS.—Nothing in this title shall be construed—

(1) as creating any immunity against, or otherwise affecting, any action brought by the Federal Government, or any agency or department thereof, to enforce any law, executive order, or procedure governing the appropriate handling, disclosure, or use of classified information;

(2) to affect the conduct of authorized law enforcement or intelligence activities; or

(3) to modify the authority of a department or agency of the Federal Government to protect classified information and sources and methods and the national security of the United States.

(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this title shall be construed to affect any requirement under any other provision of law for an entity to provide information to the Federal Government.

(e) PROHIBITED CONDUCT.—Nothing in this title shall be construed to permit price-fixing, allocating a market between competitors, monopolizing or attempting to monopolize a market, boycotting, or exchanges of price or cost information, customer lists, or

information regarding future competitive planning.

(f) INFORMATION SHARING RELATIONSHIPS.—Nothing in this title shall be construed—

(1) to limit or modify an existing information sharing relationship;

(2) to prohibit a new information sharing relationship;

(3) to require a new information sharing relationship between any entity and the Federal Government; or

(4) to require the use of the capability and process within the Department of Homeland Security developed under section 1705(c).

(g) PRESERVATION OF CONTRACTUAL OBLIGATIONS AND RIGHTS.—Nothing in this title shall be construed—

(1) to amend, repeal, or supersede any current or future contractual agreement, terms of service agreement, or other contractual relationship between any entities, or between any entity and a Federal entity; or

(2) to abrogate trade secret or intellectual property rights of any entity or Federal entity.

(h) ANTI-TASKING RESTRICTION.—Nothing in this title shall be construed to permit the Federal Government—

(1) to require an entity to provide information to the Federal Government;

(2) to condition the sharing of cyber threat indicators with an entity on such entity's provision of cyber threat indicators to the Federal Government; or

(3) to condition the award of any Federal grant, contract, or purchase on the provision of a cyber threat indicator to a Federal entity.

(i) NO LIABILITY FOR NON-PARTICIPATION.—Nothing in this title shall be construed to subject any entity to liability for choosing not to engage in the voluntary activities authorized in this title.

(j) USE AND RETENTION OF INFORMATION.—Nothing in this title shall be construed to authorize, or to modify any existing authority of, a department or agency of the Federal Government to retain or use any information shared under this title for any use other than permitted in this title.

(k) FEDERAL PREEMPTION.—

(1) IN GENERAL.—This title supersedes any statute or other provision of law of a State or political subdivision of a State that restricts or otherwise expressly regulates an activity authorized under this title.

(2) STATE LAW ENFORCEMENT.—Nothing in this title shall be construed to supersede any statute or other provision of law of a State or political subdivision of a State concerning the use of authorized law enforcement practices and procedures.

(1) REGULATORY AUTHORITY.—Nothing in this title shall be construed—

(1) to authorize the promulgation of any regulations not specifically authorized by this title;

(2) to establish or limit any regulatory authority not specifically established or limited under this title; or

(3) to authorize regulatory actions that would duplicate or conflict with regulatory requirements, mandatory standards, or related processes under another provision of Federal law.

(m) AUTHORITY OF SECRETARY OF DEFENSE TO RESPOND TO CYBER ATTACKS.—Nothing in this title shall be construed to limit the authority of the Secretary of Defense to develop, prepare, coordinate, or, when authorized by the President to do so, conduct a military cyber operation in response to a malicious cyber activity carried out against the United States or a United States person by a foreign government or an organization sponsored by a foreign government or a terrorist organization.

SEC. 1709. REPORT ON CYBERSECURITY THREATS.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this title, the Director of National Intelligence, in coordination with the heads of other appropriate elements of the intelligence community, shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on cybersecurity threats, including cyber attacks, theft, and data breaches.

(b) **CONTENTS.**—The report required by subsection (a) shall include the following:

(1) An assessment of the current intelligence sharing and cooperation relationships of the United States with other countries regarding cybersecurity threats, including cyber attacks, theft, and data breaches, directed against the United States and which threaten the United States national security interests and economy and intellectual property, specifically identifying the relative utility of such relationships, which elements of the intelligence community participate in such relationships, and whether and how such relationships could be improved.

(2) A list and an assessment of the countries and nonstate actors that are the primary threats of carrying out a cybersecurity threat, including a cyber attack, theft, or data breach, against the United States and which threaten the United States national security, economy, and intellectual property.

(3) A description of the extent to which the capabilities of the United States Government to respond to or prevent cybersecurity threats, including cyber attacks, theft, or data breaches, directed against the United States private sector are degraded by a delay in the prompt notification by private entities of such threats or cyber attacks, theft, and breaches.

(4) An assessment of additional technologies or capabilities that would enhance the ability of the United States to prevent and to respond to cybersecurity threats, including cyber attacks, theft, and data breaches.

(5) An assessment of any technologies or practices utilized by the private sector that could be rapidly fielded to assist the intelligence community in preventing and responding to cybersecurity threats.

(c) **FORM OF REPORT.**—The report required by subsection (a) shall be made available in classified and unclassified forms.

(d) **INTELLIGENCE COMMUNITY DEFINED.**—In this section, the term “intelligence community” has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 1710. CONFORMING AMENDMENTS.

(a) **PUBLIC INFORMATION.**—Section 552(b) of title 5, United States Code, is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking “wells.” and inserting “wells; or”; and

(3) by inserting after paragraph (9) the following:

“(10) information shared with or provided to the Federal Government pursuant to the Cybersecurity Information Sharing Act of 2015.”

(b) **MODIFICATION OF LIMITATION ON DISSEMINATION OF CERTAIN INFORMATION CONCERNING PENETRATIONS OF DEFENSE CONTRACTOR NETWORKS.**—Section 941(c)(3) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 10 U.S.C. 2224 note) is amended by inserting at the end the following: “The Secretary may share such information with other Federal entities if such information consists of cyber threat indicators and defensive measures and such

information is shared consistent with the policies and procedures promulgated by the Attorney General under section 1705 of the Cybersecurity Information Sharing Act of 2015.”

SEC. 1711. CRIMINAL BACKGROUND CHECKS OF EMPLOYEES OF THE MILITARY CHILD CARE SYSTEM AND PROVIDERS OF CHILD CARE SERVICES AND YOUTH PROGRAM SERVICES FOR MILITARY DEPENDENTS.

(a) **EMPLOYEES OF MILITARY CHILD CARE SYSTEM.**—Section 1792 of title 10, United States Code, is amended—

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

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

“(d) **CRIMINAL BACKGROUND CHECK.**—The criminal background check of child care employees under this section that is required pursuant to section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041) shall be conducted pursuant to regulations prescribed by the Secretary of Defense in accordance with the provisions of section 658H of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f).”

(b) **PROVIDERS OF CHILD CARE SERVICES AND YOUTH PROGRAM SERVICES.**—Section 1798 of such title is amended—

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

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

“(c) **CRIMINAL BACKGROUND CHECK.**—A provider of child care services or youth program services may not provide such services under this section unless such provider complies with the requirements for criminal background checks under section 658H of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f) for the State in which such services are provided.”

(c) **FUNDING.**—Amounts for activities required by reason of the amendments made by this section during fiscal year 2016 shall be derived from amounts otherwise authorized to be appropriated for fiscal year 2016 by section 301 and available for operation and maintenance for the Yellow Ribbon Reintegration Program as specified in the funding tables in section 4301.

SA 1922. Mr. WARNER (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1085. UNMANNED AERIAL SYSTEMS RESEARCH PROGRAM.

(a) **REQUIREMENT TO DEVELOP AND DEPLOY UAS TECHNOLOGIES.**—The Secretary of Defense and the Director of National Intelligence shall work in conjunction with the Secretary of Homeland Security, the Secretary of Transportation, the Administrator of the National Aeronautics and Space Administration, the heads of other Federal agencies, existing UAS test sites and centers of excellence designated by the Federal Aviation Administration, the private sector, and academia on the research and development of technologies to safely detect, identify, and classify potentially threatening UAS in the

national air space and to develop mitigation technologies—

(1) to ensure that, as the commercial use of UAS technologies increases and such technologies are safely integrated into the national air space, the United States is taking full advantage of existing and developmental technologies to detect, identify, classify, track, and counteract potentially threatening UAS, including in and around restricted and controlled air space, such as airports, military training areas, National Special Security Events, and sensitive national security locations; and

(2) to contribute to the development of intelligence, reconnaissance, and surveillance capabilities for national security over widely dispersed and expansive territories.

(b) **UAS DEFINED.**—In this section, the term “UAS” means unmanned aerial systems.

SA 1923. Mr. INHOFE (for himself and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. FREE TRADE AGREEMENTS WITH SUB-SAHARAN AFRICAN COUNTRIES.

(a) **PLAN REQUIREMENTS AND REPORTING.**—Section 116 of the African Growth and Opportunity Act (19 U.S.C. 3723) is amended by adding at the end the following:

“(d) **PLAN REQUIREMENT.**—

“(1) **IN GENERAL.**—The President shall develop a plan for the purpose of negotiating and entering into one or more free trade agreements with all eligible sub-Saharan African countries. The plan shall identify the 10 to 15 eligible sub-Saharan African countries or groups of such countries that are most ready for a free trade agreement with the United States.

“(2) **ELEMENTS OF PLAN.**—The plan required by paragraph (1) shall include, for each eligible sub-Saharan African country, the following:

“(A) The steps each such country needs to be equipped and ready to enter into a free trade agreement with the United States, including the effective implementation of the WTO Agreements and the development of a bilateral investment treaty.

“(B) Milestones for accomplishing each step identified in subparagraph (A) for each such country, with the goal of establishing a free trade agreement with each such country not later than 10 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016.

“(C) A description of the resources required to assist each such country in accomplishing each milestone described in subparagraph (B).

“(D) The extent to which steps described in subparagraph (A), the milestones described in subparagraph (B), and resources described in subparagraph (C) may be accomplished through regional or subregional organizations in sub-Saharan Africa, including the East African Community, the Economic Community of West African States, the Common Market for Eastern and Southern Africa, and the Economic Community of Central African States.

“(E) Procedures to ensure the following:

“(i) Adequate consultation with Congress and the private sector during the negotiations.

“(ii) Consultation with Congress regarding all matters relating to implementation of the agreement or agreements.

“(iii) Approval by Congress of the agreement or agreements.

“(iv) Adequate consultations with the relevant African governments and African regional and subregional intergovernmental organizations during the negotiation of the agreement or agreements.

“(3) REPORTING REQUIREMENT.—Not later than 12 months after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016, and every 5 years thereafter, the President shall prepare and submit to Congress a report containing the plan developed pursuant to paragraph (1).

“(4) DEFINITIONS.—In this subsection:

“(A) ELIGIBLE SUB-SAHARAN AFRICAN COUNTRY.—The term ‘eligible sub-Saharan African country’ means a country designated as an eligible sub-Saharan African country under section 104.

“(B) WTO.—The term ‘WTO’ means the World Trade Organization.

“(C) WTO AGREEMENT.—The term ‘WTO Agreement’ has the meaning given that term in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9)).

“(D) WTO AGREEMENTS.—The term ‘WTO Agreements’ means the WTO Agreement and agreements annexed to that Agreement.”

(b) COORDINATION OF USAID WITH FREE TRADE AGREEMENT POLICY.—

(1) AUTHORIZATION OF FUNDS.—Funds made available to the United States Agency for International Development under section 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2293) after the date of the enactment of this Act may be used, in consultation with the United States Trade Representative—

(A) to assist eligible countries, including by deploying resources to such countries, in addressing the steps and milestones identified in the plan developed under subsection (d) of section 116 of the African Growth and Opportunity Act (19 U.S.C. 3723), as added by subsection (a); and

(B) to assist eligible countries in the implementation of the commitments of those countries under agreements with the United States and the WTO Agreements (as defined in subsection (d)(4) of such section 116).

(2) DEFINITIONS.—In this subsection:

(A) ELIGIBLE COUNTRY.—The term “eligible country” means a sub-Saharan African country that receives—

(i) benefits under for the African Growth and Opportunity Act (19 U.S.C. 3701 et seq.); and

(ii) funding from the United States Agency for International Development.

(B) SUB-SAHARAN AFRICAN COUNTRY.—The term “sub-Saharan African country” has the meaning given that term in section 107 of the African Growth and Opportunity Act (19 U.S.C. 3706).

(c) COORDINATION WITH MILLENNIUM CHALLENGE CORPORATION.—After the date of the enactment of this Act, the United States Trade Representative and the Administrator of the United States Agency for International Development shall consult and coordinate with the Chief Executive Officer of the Millennium Challenge Corporation regarding countries that have entered into a Millennium Challenge Compact pursuant to section 609 of the Millennium Challenge Act of 2003 (22 U.S.C. 7708) that have been declared eligible to enter into such a Compact for the purpose of developing and carrying out the plan required by subsection (d) of section 116 of the African Growth and Oppor-

tunity Act (19 U.S.C. 3723), as added by subsection (a).

SA 1924. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1085. EXEMPTION OF INDIAN TRIBAL GOVERNMENTS FROM EMPLOYER MANDATE.

(a) IN GENERAL.—Paragraph (2) of section 4980H(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(F) CERTAIN INDIAN EMPLOYERS.—The term ‘applicable large employer’ does not include—

“(i) any Indian tribal government (as defined in section 7701(a)(40)), or

“(ii) any enterprise or institution owned and operated by an Indian tribe (as defined in section 45A(c)(6)).”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar years beginning after December 31, 2014

SA 1925. Mr. COATS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1230. PLAN FOR DEFEATING THE ISLAMIC STATE OF IRAQ AND THE LEVANT.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing a realistic plan to confront, degrade, and defeat the Islamic State of Iraq and the Levant first in Iraq and Syria and then in any country where its forces or allies are operating.

(b) ELEMENTS.—The plan submitted under subsection (a) shall include—

(1) realistic, well-substantiated estimates of timeframes, resources required, expected allies, and anticipated obstacles; and

(2) clear definitions of milestones, metrics of success, and personal accountability.

SA 1926. Mr. LEAHY (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such

fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 492, line 2, after “Appropriations,” insert “the Committee on the Judiciary.”

On page 492, line 5, after “Appropriations,” insert “the Committee on the Judiciary.”

On page 500, line 21, after “Appropriations,” insert “the Committee on the Judiciary.”

On page 500, line 24, after “Appropriations,” insert “the Committee on the Judiciary.”

On page 509, line 8, after “Appropriations,” insert “the Committee on the Judiciary.”

On page 509, line 11, after “Appropriations,” insert “the Committee on the Judiciary.”

On page 512, line 11, after “Appropriations,” insert “the Committee on the Judiciary.”

On page 512, line 16, after “Appropriations,” insert “the Committee on the Judiciary.”

On page 514, line 14, after “Appropriations,” insert “the Committee on the Judiciary.”

On page 514, line 18, after “Appropriations,” insert “the Committee on the Judiciary.”

SA 1927. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 515. AUTHORITY TO ORDER UNITS AND MEMBERS OF THE SELECTED RESERVE TO ACTIVE DUTY FOR PREPLANNED MISSIONS IN SUPPORT OF THE MILITARY DEPARTMENTS.

(a) IN GENERAL.—Subsection (a) of section 12304b of title 10, United States Code, is amended—

(1) by inserting “(1)” before “When the Secretary”;

(2) in paragraph (1), as so designated—

(A) by inserting “or the military department” after “a combatant command”;

(B) by inserting “or any individual member of the Selected Reserve,” after “title,”; and

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

“(2) Support provided under paragraph (1) may include the following:

“(A) Support to a geographic combatant command or other combatant command for which regular forces are inadequate at the time such support is provided, including support to training exercises sponsored by the combatant command and non-combat missions related to a named operation.

“(B) Support to a military department for non-combat missions for which regular forces are inadequate at the time such support is provided, including support to training exercises sponsored by the military department and non-combat missions related to a named operation.”

(b) LIMITATIONS.—Subsection (b)(1) of such section is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and redesignating the margins of such clauses, as so redesignated, four ems from the left margin;

(2) by striking “if—” and inserting “if—
“(A) both—”;

(3) in clause (ii), as so redesignated, by striking the period and inserting “; or”; and
(4) by adding at the end the following new subparagraph:

“(B) the military department to which the unit or individual members are assigned reprograms funds in the fiscal year in which support is provided in order to provide for the manpower and associated costs of the members ordered to active duty.”.

(c) TREATMENT OF MEMBERS.—

(1) IN GENERAL.—Such section is further amended—

(A) by redesignating subsections (f) through (i) as subsections (g) through (j), respectively; and

(B) by inserting after subsection (e) the following new subsection (f):

“(f) TREATMENT OF MEMBERS.—Any member ordered to active duty pursuant to this section shall be entitled while on and in connection with such duty to the benefits to which members of the Ready Reserve are entitled while on and in connection with duty to which ordered pursuant to section 12302 of this title.”.

(2) RETIRED PAY FOR NON-REGULAR SERVICE.—Section 12731(f)(2)(B)(i) of such title is amended by inserting “or 12304b” after “12301(d)”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act, and shall apply to members of the Selected Reserve ordered to active duty pursuant to section 12304b of title 10, United States Code, on or after that date.

(d) CONFORMING AMENDMENTS.—Section 12304b of such title is further amended—

(1) in subsections (d) and (e), by inserting “or member” after “any unit”; and

(2) in subsection (h), as redesignated by subsection (c)(1) of this section, by inserting “or members” after “which units”.

(e) HEADING AND CLERICAL AMENDMENTS.—

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

“§ 12304b. Selected Reserve: order to active duty for preplanned missions in support of the combatant commands and the military departments”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1209 of such title is amended by striking the item relating to section 12304b and inserting the following new item:

“12304b. Selected Reserve: order to active duty for preplanned missions in support of the combatant commands and the military departments.”.

(f) EXCLUSION FROM DISCRETIONARY SPENDING LIMITS.—The Office of Management and Budget shall not include amounts appropriated for manpower costs or associated costs of performing duty under the amendments to section 12304b of title 10, United States Code, made by this section in determining whether there has been a breach of the discretionary spending limits under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) during any fiscal year.

SA 1928. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe

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

On page 38, between lines 10 and 11, insert the following:

(c) RE-ENGINEING STUDY.—the Air Force shall submit their B-52 re-engine analysis to the congressional defense committees not later than 90 days after the date of the enactment of this Act.

SA 1929. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 535.

SA 1930. Mr. LEAHY (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 530, line 11, insert “, since November 1, 2013,” before “have been transferred”.

SA 1931. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1065. ANNUAL REPORTS OF THE CHIEF OF THE NATIONAL GUARD BUREAU ON THE ABILITY OF THE NATIONAL GUARD TO MEETS ITS MISSIONS.

Section 10504(a) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “The Chief of the National Guard Bureau”;

(2) in paragraph (1), as so designated, by striking “, through the Secretaries of the Army and the Air Force.”;

(3) by striking the second sentence; and

(4) by adding at the end the following new paragraphs:

“(2) Each report shall include the following:

“(A) An assessment, prepared in conjunction with the Secretaries of the Army and the Air Force, of the ability of the National Guard to carry out its Federal missions.

“(B) An assessment, prepared in conjunction with the chief executive officers of the States and territories, of the ability of the National Guard to carry out emergency sup-

port functions of the National Response Framework.

“(3) Each report may be submitted in classified and unclassified versions.”.

SA 1932. Mr. REED submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 510, line 25, strike “, in unclassified form.”.

On page 511, between lines 13 and 14, insert the following:

(3) Whether, as of the date of the report, the basis for the first designation or assessment remains valid.

On page 511, beginning on line 21, strike “and the designation or assessment to which changed” and insert “, the designation or assessment to which changed, and information on, and a justification for, the change in the designation or assessment”.

On page 512, between lines 6 and 7, insert the following:

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

SA 1933. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 738. REPORT ON CREDENTIALING OF PHYSICIANS SERVING ON ACTIVE DUTY IN THE ARMED FORCES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall submit to Congress a report on—

(1) the full credentialing process for a member of the Armed Forces on active duty serving as a physician, including any uniform standards used throughout the Department of Defense for such process; and

(2) the feasibility and advisability of the Department of Veterans Affairs recognizing a credential issued under such process in order to facilitate the transition of such member to employment in the Department of Veterans Affairs upon the retirement, separation, or release of such member from the Armed Forces.

SA 1934. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe

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

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

SEC. 738. REPORT ON SHARING OF PHYSICIAN WORKFORCE AMONG DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the use and efficacy of memoranda of understanding entered into between the Department of Defense and the Department of Veterans Affairs that allow for the sharing of physicians between each such Department.

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

(1) Information on—

(A) the location of each physician shared by the Department of Defense and the Department of Veterans Affairs, including the name of the facility or facilities at which the physician works;

(B) the specialty, if any, of each physician described in subparagraph (A); and

(C) the purpose, if any, stated by the Department of Defense and the Department of Veterans Affairs for sharing each physician described in subparagraph (A).

(2) The total number of physicians shared by the Department of Defense and the Department of Veterans Affairs, disaggregated by Department.

(3) A description of the administrative actions required to be taken by the Secretary of Defense and the Secretary of Veterans Affairs to ensure the sharing of scheduling records and medical records between the Department of Defense and the Department of Veterans Affairs for physicians shared between each such Department.

(4) The impact of sharing physicians on wait times and patient loads at each medical facility of the Department of Defense and the Department of Veterans Affairs.

(5) An assessment of the policies of the Department of Defense and the Department of Veterans Affairs that hinder the sharing of physicians between each such Department.

(6) An identification of any excess capacity among physicians of the Department of Defense or the Department of Veterans Affairs.

SA 1935. Mr. MCCONNELL (for Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, line 19, strike “1.3 percent” and insert “2.3 percent”.

On page 210, between lines 4 and 5, insert the following:

(d) FUNDING.—

(1) INCREASE IN AMOUNT FOR MILITARY PERSONNEL.—The amount authorized to be appropriated for fiscal year 2016 by section 421 is hereby increased by the amount necessary to provide an increase in military basic pay under subsection (b) by 2.3 percent rather than 1.3 percent, with the amount to be available for military personnel to provide such increase.

(2) OFFSET.—The aggregate amount authorized to be appropriated for fiscal year 2016 by this division, other than the amount authorized to be appropriated by section 421, is hereby reduced by the amount necessary to provide an increase in military basic pay under subsection (b) by 2.3 percent rather than 1.3 percent, with the amount of the reduction to be achieved by terminating funding for projects determined to be low-priority projects by the Joint Chiefs of Staff.

SA 1936. Mr. MCCONNELL (for Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1040. LIMITATION OF THE TRANSFER OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE GOVERNMENT OF CUBA.

(a) IN GENERAL.—No portion of the land or water listed by Article I of the United States-Cuba Agreements and Treaty of 1934 shall be transferred to the Government of Cuba, unless—

(1) a democratically-elected Government of Cuba and the United States Government mutually agree to new lease terms for such land or water;

(2) the elections of the Government of Cuba were—

(A) free and fair;

(B) conducted under internationally recognized observers; and

(C) carried out so that opposition parties had ample time to organize and campaign using full access media available to every candidate;

(3) the Government of Cuba has committed itself to constitutional change that would ensure regular free and fair elections;

(4) the Government of Cuba has made a public commitment to respect, and is respecting, internationally recognized human rights and basic democratic freedoms;

(5) the President certifies to Congress that Cuba is no longer a state sponsor of terrorism and no longer harbors members of recognized foreign terrorist organizations; and

(6) the Secretary of Defense certifies that the United States Naval Station, Guantanamo Bay, Cuba, is not advantageous to United States national security or to the operation of the Navy and the Coast Guard in the Caribbean Sea.

(b) CONTINUATION OF CURRENT LEASE.—It shall be the policy of the United States to continue to lease the land or waterways that encompass the United States Naval Station, Guantanamo Bay, Cuba, unless the criteria set out in paragraphs (1) through (6) of subsection (a) are met.

SEC. 1040A. LIMITATION ON MODIFICATION OR ABANDONMENT OF LEASED LAND AND WATER CONTAINING UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) LIMITATION.—The United States may not modify the 45 square mile lease of land or waterways that encompass the United States Naval Station, Guantanamo Bay, Cuba, in effect on the date of the enactment of this Act, unless—

(1) the President notifies Congress not later than 90 days prior to the proposed modification of such lease; and

(2) after such notification, Congress enacts a law authorizing a modification of such lease.

(b) RETENTION.—The United States may not abandon any portion of the land or water that contains the United States Naval Station, Guantanamo Bay, Cuba, unless—

(1) the President notifies Congress not less than 90 days prior to the proposed abandonment of such land or water; and

(2) after such notification, Congress enacts a law authorizing such abandonment.

(c) NO NEW GRANT OF AUTHORITY.—This section may not be construed to grant the President any authority not already provided by the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 et seq.).

SA 1937. Ms. AYOTTE (for herself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 210, strike lines 9 through 12 and insert the following:

(a) MODIFICATION OF PERCENTAGE USABLE.—Section 403(b)(3)(B) of title 37, United States Code, is amended by striking “may not exceed one percent.” and inserting “may not exceed the following:

“(i) In the case of members in pay grades E-5 and above, five percent.

“(ii) In the case of members in pay grades E-1 through E-4—

“(I) one percent; or

“(II) if the Secretary determines that one percent would result in a monthly amount of basic allowance for housing for such area for such members that is greater than the monthly amount of basic allowance for housing for such area for members in pay grade E-5, the lesser of—

“(aa) five percent; or

“(bb) a percent (determined by the Secretary) such that the monthly amount of basic allowance for housing for such area for members in pay grades E-1 through E-4 is equal to the monthly amount of basic allowance for housing for such area for members in pay grade E-5 minus \$1”.

(b) FUNDING.—The amount authorized to be appropriated for fiscal year 2016 by section 421 for military personnel is hereby increased by \$75,000,000.

(c) OFFSET.—The aggregate amount authorized to be appropriated for fiscal year 2016 by division A is hereby reduced by \$75,000,000, with the amount of the reduction to be achieved through anticipated foreign currency gains in addition to any other anticipated foreign currency gains specified in the funding tables in division D.

SA 1938. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe

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

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

SEC. 884. REPORT ON ARMY ACQUISITION STRATEGY FOR THE TACTICAL NETWORK MODERNIZATION AND TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS TERRESTRIAL TRANSMISSION SYSTEM.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the Army's acquisition strategy for the Tactical Network Modernization and Transportable Tactical Command Communications Terrestrial Transmission System.

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

(1) An explanation of the rationale for delaying the TriLOS radio modernization until the fiscal year 2018-2020 period.

(2) An estimate of the total costs associated with delaying the modernization with regard to costs associated with additional prototyping and Initial Operational Test and Evaluation (IOT&E).

(3) An assessment of the GRC-245C immediate utilization potential to meet the program objectives required by Expeditionary Signal Battalions (ESBs) and Army units to meet the TriLOS radio modernization as defined in the requirements for a Terrestrial Transmission System outlined in the operational requirements of the G-3/5/7 Directed Requirement and Transmission Capabilities Production Document (CPD).

SA 1939. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 622. TRAVEL ON DEPARTMENT OF DEFENSE AIRCRAFT ON A SPACE-AVAILABLE BASIS FOR MEMBERS OF THE NATIONAL GUARD AND THE RESERVES.

(a) ELIGIBILITY.—Subsection (c) of section 2641b of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

“(5) Members of the reserve components not otherwise eligible for travel under the program pursuant to this subsection.”.

(b) CONDITIONS.—Subsection (d) of such section is amended—

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

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

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

“(4) in the case of members eligible for travel under the program pursuant to subsection (c)(5)—

“(A) travel under the program shall be available on all contract flights operated by

the Department of Defense for the transportation of passengers;

“(B) in the case of travel on any military or contract aircraft traveling from outside the continental United States (CONUS) to the continental United States (CONUS), eligibility shall cease at the first point of entry to the continental United States; and

“(C) in the case of travel on any military or contract aircraft traveling from the continental United States to outside the continental United States, eligibility shall cease at the first point of entry outside the continental United States.”.

SA 1940. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2822. LAND CONVEYANCE, CAMPION AIR FORCE RADAR STATION, GALENA, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Town of Galena, Alaska (in this section referred to as the “Town”), all right, title, and interest of the United States in and to real property, including improvements thereon, at the former Campion Air Force Station, Alaska, as further described in subsection (b), for the purpose of permitting the Town to use the conveyed property for public purposes.

(b) DESCRIPTION OF PROPERTY.—The real property to be conveyed under subsection (a) consists of approximately 1290 acres of the approximately 1613 acres of land withdrawn under Public Land Order 843 for use by the Secretary of the Air Force as the former Campion Air Force Station. The portions of the former Air Force Station that are not authorized to be conveyed under subsection (a) are those portions that are subject to environmental land use restrictions or are currently undergoing environmental remediation by the Secretary of the Air Force.

(c) CONSULTATION.—The Secretary of the Air Force shall consult with the Secretary of the Interior on the exact acreage and legal description of the real property to be conveyed under subsection (a) and conditions to be included in the conveyance that are necessary to protect human health and the environment.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force shall require the Town to cover all costs (except costs for environmental remediation of the property) to be incurred by the Secretary of the Air Force and by the Secretary of the Interior, or to reimburse the appropriate Secretary for such costs incurred by the Secretary, to carry out the conveyance under this section, including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the appropriate Secretary shall refund the excess amount to the Town.

(2) TREATMENT OF AMOUNTS RECEIVED.—

(A) SECRETARY OF THE AIR FORCE.—Amounts received by the Secretary of the

Air Force as reimbursement under paragraph (1) shall be credited, at the option of the Secretary, to the appropriation, fund, or account from which the expenses were paid, or to an appropriate appropriation, fund, or account currently available to the Secretary for the purposes for which the expenses were paid. Amounts so credited shall be merged with funds in such appropriation, fund, or account and shall be available for the same purposes and subject to the same limitations as the funds with which merged.

(B) SECRETARY OF THE INTERIOR.—Amounts received by the Secretary of the Interior as reimbursement under paragraph (1) shall be credited, at the option of the Secretary, to the appropriation, fund, or account from which the expenses were paid, or to an appropriate appropriation, fund, or account currently available to the Secretary for the purposes for which the expenses were paid. Amounts so credited shall be merged with funds in such appropriation, fund, or account and shall be available for the same purposes and subject to the same limitations as the funds with which merged.

(e) CONVEYANCE AGREEMENT.—The conveyance of public land under this section shall be accomplished using a quit claim deed or other legal instrument and upon terms and conditions mutually satisfactory to the Secretary of the Air Force, after consulting with the Secretary of the Interior, and the Town, including such additional terms and conditions as the Secretary of the Air Force, after consulting with the Secretary of the Interior, considers appropriate to protect the interests of the United States.

SA 1941. Mr. BLUNT submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 738. REPORT ON IMPLEMENTATION OF ANNUAL MENTAL HEALTH SCREENINGS FOR MEMBERS OF THE ARMED FORCES.

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

(1) the annual mental health assessment for members of the Armed Forces provided under section 1074n of title 10, United States Code, may be improved by providing members undergoing such an assessment with a record of events, including non-combat related events, to substantiate latent mental health issues that appear months or years after the causal incident;

(2) some members may not know how to request help with mental health concerns in connection with such assessment and not all health care providers fully discuss mental health concerns during such assessment;

(3) the majority of mild traumatic brain injury inducing incidents are not diagnosed during combat deployment, so when symptoms do appear, there may be no mechanism for health care providers to link the injury back to the causal incident;

(4) the provision of such assessment may not recognize incidents described in paragraph (3) unless the member provides information regarding those incidents to a health care provider;

(5) when latent mental health symptoms appear after a member is discharged, the

member may not be eligible to receive treatment from the Department of Veterans Affairs without a record of causal justification;

(6) the Secretary of Defense has an obligation to identify as quickly and efficiently as possible without disrupting military readiness the mental health concerns that persist among members of the Armed Forces unbeknownst to those members and the health care providers of those members; and

(7) the Department of Defense and the Defense Health Agency are currently developing a standardized periodic health assessment tool that incorporates a screening for depression, post-traumatic stress, substance use, and risk for suicide through a person-to-person dialogue using the same question set used for mental health assessments provided to members of the Armed Forces undergoing deployment.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the implementation of mental health assessments provided to members of the Armed Forces under section 1074n of title 10, United States Code, that includes a description of—

(1) the reliability of such assessments;

(2) any significant changes in mental health concerns among members of the Armed Forces as a result of such assessments;

(3) any areas in which the provision of such assessments to members of the Armed Forces needs to improve; and

(4) such additional information as the Secretary considers necessary relating to mental health screening and treatment of members of the Armed Forces.

SA 1942. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . RETURN OF HUMAN REMAINS BY THE NATIONAL MUSEUM OF HEALTH AND MEDICINE.

The National Museum of Health and Medicine shall facilitate the relocation of the human cranium that is in the possession of the National Museum of Health and Medicine and that is associated with the Mountain Meadows Massacre of 1857 for interment at the Mountain Meadows grave site.

SA 1943. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ASSESSMENT OF THE ABILITY OF INDUSTRIAL BASE TO MANUFACTURE ANCHOR AND MOORING CHAIN.

(a) **ASSESSMENT.**—The Secretary of Defense shall conduct an assessment of the ability of the industrial base to manufacture and support anchor and mooring chain for the Department of Defense.

(b) **SCOPE.**—In conducting the assessment required under subsection (a), the Secretary shall examine the potential cost, schedule, and performance impacts if procurement of the anchor and mooring chain described in such subsection were limited to manufacturers in the National Technology and Industrial Base.

(c) **DETERMINATION REQUIRED.**—Upon completion of the assessment required under subsection (a), the Secretary shall make a determination whether manufacturers of the anchor and mooring chain described in such subsection should be included in the National Technology and Industrial Base.

(d) **REPORT.**—Not later than February 15, 2016, the Secretary of Defense shall submit to the congressional defense committees a report including the results of the assessment required under subsection (a) and the determination required under subsection (c).

SA 1944. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1085. REFORM AND IMPROVEMENT OF PERSONNEL SECURITY, INSIDER THREAT DETECTION AND PREVENTION, AND PHYSICAL SECURITY.

(a) **PERSONNEL SECURITY AND INSIDER THREAT PROTECTION IN DEPARTMENT OF DEFENSE.**—

(1) **PLANS AND SCHEDULES.**—Consistent with the Memorandum of the Secretary of Defense dated March 18, 2014, regarding the recommendations of the reviews of the Washington Navy Yard shooting, the Secretary of Defense shall develop plans and schedules—

(A) to implement a continuous evaluation capability for the national security population for which clearance adjudications are conducted by the Department of Defense Central Adjudication Facility, in coordination with the Director of the Office of Personnel Management, the Director of National Intelligence, and the Director of the Office of Management and Budget;

(B) to produce a Department-wide insider threat strategy and implementation plan, which includes—

(i) resourcing for the Defense Insider Threat Management and Analysis Center (DITMAC) and component insider threat programs, and

(ii) alignment of insider threat protection programs with continuous evaluation capabilities and processes for personnel security;

(C) to centralize the authority, accountability, and programmatic integration responsibilities, including fiscal control, for personnel security and insider threat protection under the Under Secretary of Defense for Intelligence;

(D) to align the Department's consolidated Central Adjudication Facility under the Under Secretary of Defense for Intelligence;

(E) to develop a defense security enterprise reform investment strategy to ensure a consistent, long-term focus on funding to strengthen all of the Department's security and insider threat programs, policies, functions, and information technology capabilities, including detecting threat behaviors conveyed in the cyber domain, in a manner that keeps pace with evolving threats and risks;

(F) to resource and expedite deployment of the Identity Management Enterprise Services Architecture (IMESA); and

(G) to implement the recommendations contained in the study conducted by the Director of Cost Analysis and Program Evaluation required by section 907 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 10 U.S.C. 1564 note), including, specifically, the recommendations to centrally manage and regulate Department of Defense requests for personnel security background investigations.

(2) **REPORTING REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report describing the plans and schedules required under paragraph (1).

(b) **PHYSICAL AND LOGICAL ACCESS.**—Not later than 270 days after the date of the enactment of this Act—

(1) the Secretary of Defense shall define physical and logical access standards, capabilities, and processes applicable to all personnel with access to Department of Defense installations and information technology systems, including—

(A) periodic or regularized background or records checks appropriate to the type of physical or logical access involved, the security level, the category of individuals authorized, and the level of access to be granted;

(B) standards and methods for verifying the identity of individuals seeking access; and

(C) electronic attribute-based access controls that are appropriate for the type of access and facility or information technology system involved;

(2) the Director of the Office of Management and Budget and the Chair of the Performance Accountability Council, in coordination with the Secretary of Defense, the Director of the Office of Personnel Management, and the Administrator of General Services, and in consultation with representatives from organizations representing Federal and contractor employees who each have access to more than 1 secured facility, shall design a capability to share and apply electronic identity information across the Government to enable real-time, risk-managed physical and logical access decisions; and

(3) the Director of the Office of Management and Budget, in conjunction with the Director of the Office of Personnel Management and in consultation with representatives from organizations representing Federal and contractor employees who each have access to more than 1 secured facility, shall establish investigative and adjudicative standards for the periodic or regularized reevaluation of the eligibility of an individual to retain credentials issued pursuant to Homeland Security Presidential Directive 12 (dated August 27, 2004), as appropriate, but not less frequently than the authorization period of the issued credentials.

(c) **SECURITY ENTERPRISE MANAGEMENT.**—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) formalize the Security, Suitability, and Credentialing Line of Business;

(2) submit a report to the appropriate congressional committee that describes plans—

(A) for oversight by the Office of Management and Budget of activities of the executive branch of the Government for personnel security, suitability, and credentialing;

(B) to designate enterprise shared services to optimize investments;

(C) to define and implement data standards to support common electronic access to critical Government records; and

(D) to reduce the burden placed on Government data providers by centralizing requests for records access and ensuring proper sharing of the data with appropriate investigative and adjudicative elements.

(d) RECIPROCALITY MANAGEMENT.—Not later than 2 years after the date of enactment of this Act, the Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, the Director of National Intelligence, and the Secretary of Defense, shall enhance the Central Verification System to—

(1) serve as the reciprocity management system for the Government; and

(2) ensure that the Central Verification System is aligned with continuous evaluation and other enterprise reform initiatives.

(e) REPORTING REQUIREMENTS IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the Director of National Intelligence, the Director of the Office of Management and Budget, the Director of the Office of Personnel Management, and the Secretary of Defense shall jointly develop a plan to—

(1) implement the Security Executive Agent Directive on common, standardized employee and contractor security reporting requirements;

(2) establish and implement uniform reporting requirements for employees and Federal contractors, according to risk, relative to the safety of the workforce and protection of the most sensitive information of the Government; and

(3) ensure that reported information is shared appropriately.

(f) ACCESS TO CRIMINAL HISTORY RECORDS FOR NATIONAL SECURITY AND OTHER PURPOSES.—

(1) DEFINITION.—Section 9101(a) of title 5, United States Code, is amended by adding at the end the following:

“(7) The terms ‘Security Executive Agent’ and ‘Suitability Executive Agent’ mean the Security Executive Agent and the Suitability Executive Agent, respectively, established under Executive Order 13467 (73 Fed. Reg. 38103), or any successor thereto.”

(2) COVERED AGENCIES.—Section 9101(a)(6) of title 5, United States Code, is amended by adding at the end the following:

“(G) The Department of Homeland Security.

“(H) The Office of the Director of National Intelligence.

“(I) An Executive agency that—

“(i) is authorized to conduct background investigations under a Federal statute; or

“(ii) is delegated authority to conduct background investigations in accordance with procedures established by the Security Executive Agent or the Suitability Executive Agent under subsection (b) or (c)(iv) of section 2.3 of Executive Order 13467 (73 Fed. Reg. 38103), or any successor thereto.

“(J) A contractor that conducts a background investigation on behalf of an agency described in subparagraphs (A) through (I).”

(3) APPLICABLE PURPOSES OF INVESTIGATIONS.—Section 9101(b)(1) of title 5, United States Code, is amended—

(A) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), re-

spectively, and adjusting the margins accordingly;

(B) in the matter preceding clause (i), as redesignated—

(i) by striking “the head of”;

(ii) by inserting “all” before “criminal history record information”; and

(iii) by striking “for the purpose of determining eligibility for any of the following:” and inserting “, in accordance with Federal Investigative Standards jointly promulgated by the Suitability Executive Agent and Security Executive Agent, for the purpose of—

“(A) determining eligibility for—”;

(C) in clause (i), as redesignated—

(i) by striking “Access” and inserting “access”; and

(ii) by striking the period and inserting a semicolon;

(D) in clause (ii), as redesignated—

(i) by striking “Assignment” and inserting “assignment”; and

(ii) by striking the period and inserting “or positions”;;

(E) in clause (iii), as redesignated—

(i) by striking “Acceptance” and inserting “acceptance”; and

(ii) by striking the period and inserting “; or”;

(F) in clause (iv), as redesignated—

(i) by striking “Appointment” and inserting “appointment”;;

(ii) by striking “or a critical or sensitive position”; and

(iii) by striking the period and inserting “; or”;

(G) by adding at the end the following:

“(B) conducting a basic suitability or fitness assessment for Federal or contractor employees, using Federal Investigative Standards jointly promulgated by the Security Executive Agent and the Suitability Executive Agent in accordance with—

“(i) Executive Order 13467 (73 Fed. Reg. 38103), or any successor thereto; and

“(ii) the Office of Management and Budget Memorandum ‘Assignment of Functions Relating to Coverage of Contractor Employee Fitness in the Federal Investigative Standards’, dated December 6, 2012;

“(C) credentialing under the Homeland Security Presidential Directive 12 (dated August 27, 2004); and

“(D) Federal Aviation Administration checks required under—

“(i) the Federal Aviation Administration Drug Enforcement Assistance Act of 1988 (subtitle E of title VII of Public Law 100-690; 102 Stat. 4424) and the amendments made by that Act; or

“(ii) section 44710 of title 49.”

(4) BIOMETRIC AND BIOGRAPHIC SEARCHES.—Section 9101(b)(2) of title 5, United States Code, is amended to read as follows:

“(2)(A) A State central criminal history record depository shall allow a covered agency to conduct both biometric and biographic searches of criminal history record information.

“(B) Nothing in subparagraph (A) shall be construed to prohibit the Federal Bureau of Investigation from requiring a request for criminal history record information to be accompanied by the fingerprints of the individual who is the subject of the request.”

(5) USE OF MOST COST-EFFECTIVE SYSTEM.—Section 9101(e) of title 5, United States Code, is amended by adding at the end the following:

“(6) If a criminal justice agency is able to provide the same information through more than 1 system described in paragraph (1), a covered agency may request information under subsection (b) from the criminal justice agency, and require the criminal justice agency to provide the information, using the system that is most cost-effective for the Federal Government.”

(6) SEALED OR EXPUNGED RECORDS; JUVENILE RECORDS.—

(A) IN GENERAL.—Section 9101(a)(2) of title 5, United States Code, is amended—

(i) in the first sentence, by inserting before the period the following: “, and includes any analogous juvenile records”; and

(ii) by striking the third sentence and inserting the following: “The term includes those records of a State or locality sealed pursuant to law if such records are accessible by State and local criminal justice agencies for the purpose of conducting background checks.”

(B) SENSE OF CONGRESS.—It is the sense of Congress that the Federal Government should not uniformly reject applicants for employment with the Federal Government or Federal contractors based on—

(i) sealed or expunged criminal records; or

(ii) juvenile records.

(7) INTERACTION WITH LAW ENFORCEMENT AND INTELLIGENCE AGENCIES ABROAD.—Section 9101 of title 5, United States Code, is amended by adding at the end the following:

“(g) Upon request by a covered agency and in accordance with the applicable provisions of this section, the Deputy Assistant Secretary of State for Overseas Citizens Services shall make available criminal history record information collected by the Deputy Assistant Secretary with respect to an individual who is under investigation by the covered agency regarding any interaction of the individual with a law enforcement agency or intelligence agency of a foreign country.”

(8) CLARIFICATION OF SECURITY REQUIREMENTS FOR CONTRACTORS CONDUCTING BACKGROUND INVESTIGATIONS.—Section 9101 of title 5, United States Code, as amended by this subsection, is amended by adding at the end the following:

“(h) If a contractor described in subsection (a)(6)(J) uses an automated information delivery system to request criminal history record information, the contractor shall comply with any necessary security requirements for access to that system.”

(9) CLARIFICATION REGARDING ADVERSE ACTIONS.—Section 7512 of title 5, United States Code, is amended—

(A) in subparagraph (D), by striking “or”;

(B) in subparagraph (E), by striking the period and inserting “, or”;

(C) by adding at the end the following:

“(F) a suitability action taken by the Office under regulations prescribed by the Office, subject to the rules prescribed by the President under this title for the administration of the competitive service.”

(10) ANNUAL REPORT BY SUITABILITY AND SECURITY CLEARANCE PERFORMANCE ACCOUNTABILITY COUNCIL.—Section 9101 of title 5, United States Code, as amended by this subsection, is amended by adding at the end the following:

“(i) The Suitability and Security Clearance Performance Accountability Council established under Executive Order 13467 (73 Fed. Reg. 38103), or any successor thereto, shall submit to the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate, and the Committee on Armed Services, the Committee on Oversight and Government Reform, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives, an annual report that—

“(1) describes efforts of the Council to integrate Federal, State, and local systems for sharing criminal history record information;

“(2) analyzes the extent and effectiveness of Federal education programs regarding criminal history record information;

“(3) provides an update on the implementation of best practices for sharing criminal history record information, including ongoing limitations experienced by investigators working for or on behalf of a covered agency with respect to access to State and local criminal history record information; and

“(4) provides a description of limitations on the sharing of information relevant to a background investigation, other than criminal history record information, between—

“(A) investigators working for or on behalf of a covered agency; and

“(B) State and local law enforcement agencies.”.

(11) GAO REPORT ON ENHANCING INTEROPERABILITY AND REDUCING REDUNDANCY IN FEDERAL CRITICAL INFRASTRUCTURE PROTECTION ACCESS CONTROL, BACKGROUND CHECK, AND CREDENTIALING STANDARDS.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the background check, access control, and credentialing requirements of Federal programs for the protection of critical infrastructure and key resources.

(B) CONTENTS.—The Comptroller General shall include in the report required under subparagraph (A)—

(i) a summary of the major characteristics of each such Federal program, including the types of infrastructure and resources covered;

(ii) a comparison of the requirements, whether mandatory or voluntary in nature, for regulated entities under each such program to—

(I) conduct background checks on employees, contractors, and other individuals;

(II) adjudicate the results of a background check, including the utilization of a standardized set of disqualifying offenses or the consideration of minor, non-violent, or juvenile offenses; and

(III) establish access control systems to deter unauthorized access, or provide a security credential for any level of access to a covered facility or resource;

(iii) a review of any efforts that the Screening Coordination Office of the Department of Homeland Security has undertaken or plans to undertake to harmonize or standardize background check, access control, or credentialing requirements for critical infrastructure and key resource protection programs overseen by the Department; and

(iv) recommendations, developed in consultation with appropriate stakeholders, regarding—

(I) enhancing the interoperability of security credentials across critical infrastructure and key resource protection programs;

(II) eliminating the need for redundant background checks or credentials across existing critical infrastructure and key resource protection programs;

(III) harmonizing, where appropriate, the standards for identifying potentially disqualifying criminal offenses and the weight assigned to minor, nonviolent, or juvenile offenses in adjudicating the results of a completed background check; and

(IV) the development of common, risk-based standards with respect to the background check, access control, and security credentialing requirements for critical infrastructure and key resource protection programs.

(g) DEFINITIONS.—In this section—

(1) the term “appropriate committees of Congress” means—

(A) the congressional defense committees;

(B) the Select Committee on Intelligence and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Permanent Select Committee on Intelligence, the Committee on Oversight and Government Reform, and the Committee on Homeland Security of the House of Representatives; and

(2) the term “Performance Accountability Council” means the Suitability and Security Clearance Performance Accountability Council established under Executive Order 13467 (73 Fed. Reg. 38103), or any successor thereto.

SA 1945. Ms. CANTWELL (for herself, Mr. SULLIVAN, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 123, strike line 9 and insert the following:

(7) The Coast Guard Reserve, 7,300.

SA 1946. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 30, strike line 16 and all that follows through page 33, line 13, and insert the following:

(a) IN GENERAL.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for research and development, design, construction, procurement or advanced procurement of materials for the Littoral Combat Ships designated as LCS 33 or subsequent, not more than 75 percent may be obligated or expended until the Secretary of the Navy submits to the Committees on Armed Services of the Senate and the House of Representatives each of the following:

(1) A Capabilities Based Assessment or equivalent report to assess capability gaps and associated capability requirements and risks for the upgraded Littoral Combat Ship, which is proposed to commence with LCS 33. This assessment or equivalent report shall conform with the Joint Capabilities Integration and Development System, including Chairman of the Joint Chiefs of Staff Instruction 3170.01H.

(2) A certification that the Joint Requirements Oversight Council has validated an updated Capabilities Development Document for the upgraded Littoral Combat Ship.

(3) A report describing the upgraded Littoral Combat Ship modernization, which shall, at a minimum, include the following elements:

(A) A description of capabilities that the LCS program delivers, and a description of how these relate to the characteristics of the future joint force identified in the Capstone Concept for Joint Operations, concept of op-

erations, and integrated architecture documents.

(B) A summary of analyses and studies conducted on LCS modernization.

(C) A concept of operations for LCS modernization ships at the operational level and tactical level describing how they integrate and synchronize with joint and combined forces to achieve the Joint Force Commander’s intent.

(D) A description of threat systems of potential adversaries that are projected or assessed to reach initial operational capability within 15 years against which the lethality and survivability of the LCS should be determined.

(E) A plan and timeline for LCS modernization program execution.

(F) A description of system capabilities required for LCS modernization, including key performance parameters and key system attributes.

(G) A plan for family of systems or systems of systems synchronization.

(H) A plan for information technology and national security systems supportability.

(I) A plan for intelligence supportability.

(J) A plan for electromagnetic environmental effects (E3) and spectrum supportability.

(K) A description of assets required to achieve initial operational capability (IOC) of an LCS modernization increment.

(L) A schedule and initial operational capability and full operational capability definitions.

(M) A description of doctrine, organization, training, materiel, leadership, education, personnel, facilities, and policy considerations.

(N) A description of other system attributes.

(4) A plan for future periodic combat systems upgrades, which are necessary to ensure relevant capability throughout the Littoral Combat Ship or Frigate class service lives, using the process described in paragraph (3).

(b) WAIVER.—The Secretary of the Navy may waive the funding limitation under subsection (a) upon submission of a determination to Congress that—

(1) application of the limitation would impede the timely acquisition of LCS 33 or subsequent ships in a manner that would undermine the national security of the United States; and

(2) application of the limitation would result in a gap in production or additional procurement costs;

(c) RULE OF CONSTRUCTION.—Nothing in subsection (b) shall be construed as authorizing the Secretary of the Navy to not submit the information required under paragraphs (1) through (4) of subsection (a).

SA 1947. Ms. BALDWIN (for herself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CLARIFICATION ON PROHIBITION ON SEARCHING OF COLLECTIONS OF COMMUNICATIONS TO CONDUCT WARRANTLESS SEARCHES FOR THE COMMUNICATIONS OF UNITED STATES PERSONS.

Section 702(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(b)) is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting such subparagraphs, as so redesignated, an additional two ems from the left margin;

(2) by striking “An acquisition” and inserting the following:

“(1) IN GENERAL.—An acquisition”; and

(3) by adding at the end the following:

(2) CLARIFICATION ON PROHIBITION ON SEARCHING OF COLLECTIONS OF COMMUNICATIONS OF UNITED STATES PERSONS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), no officer or employee of the United States may conduct a search of a collection of communications acquired under this section in an effort to find communications of a particular United States person (other than a corporation).

“(B) CONCURRENT AUTHORIZATION AND EXCEPTION FOR EMERGENCY SITUATIONS.—Subparagraph (A) shall not apply to a search for communications related to a particular United States person if—

“(i) such United States person is the subject of an order or emergency authorization authorizing electronic surveillance or physical search under section 105, 304, 703, 704, or 705 of this Act, or under title 18, United States Code, for the effective period of that order;

“(ii) the entity carrying out the search has a reasonable belief that the life or safety of such United States person is threatened and the information is sought for the purpose of assisting that person; or

“(iii) such United States person has consented to the search.”.

SA 1948. Mr. WHITEHOUSE (for himself, Mr. FRANKEN, and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1085. SENSE OF CONGRESS ON NATIONAL SECURITY IMPLICATIONS OF CLIMATE CHANGE.

(a) FINDINGS.—Congress makes the following findings:

(1) The 2015 National Security Strategy states that climate change is “an urgent and growing threat to our national security”.

(2) The 2014 Quadrennial Defense Review describes long-term strategies and initiatives for the Department of Defense and states that—

(A) “the pressures caused by climate change will influence resource competition while placing additional burdens on economies, societies, and governance institutions around the world”; and

(B) the effects of climate change are “threat multipliers” that aggravate stressors abroad that can “enable terrorist activity and other violence”.

(3) The 2014 Department of Defense Climate Change Adaptation Roadmap asserts that

climate change will “be felt across the full range of Department activities, including plans, operations, training, infrastructure, and acquisition” and that among the potential effects of climate change are—

(A) “instability within and among other nations”;

(B) “decreased training/testing land-carrying capacity to support current testing and training rotation types or levels”;

(C) “increased inundation, erosion, and flooding damage” to Department of Defense infrastructure; and

(D) “reduced availability of or access to the materials, resources, and industrial infrastructure needed to manufacture the Department’s weapon systems and supplies”.

(4) The 2014 United States Government Accountability Office report entitled “Climate Change Adaptation: DOD Can Improve Infrastructure Planning and Processes to Better Account for Potential Impacts” assessed 15 sites at defense installations in the United States for vulnerability to the effects of climate change. The report found that climate change could affect Department of Defense readiness and fiscal exposure in the following ways:

(A) “According to DOD officials, the combination of thawing permafrost, decreasing sea ice, and rising sea levels on the Alaskan coast has increased coastal erosion at several Air Force radar early warning and communication installations”.

(B) “Impacts on DOD’s infrastructure from this erosion have included damaged roads, seawalls, and runways”.

(C) “Officials on a Navy installation told GAO that sea level rise and resulting storm surge are the two largest threats to their waterfront infrastructure”.

(D) “Officials provided examples of impacts from reduced precipitation—such as drought and wildfire risk—and identified potential mission vulnerabilities—such as reduced live-fire training”.

(5) The 2014 CNA Corporation released a report entitled “National Security Risks and the Accelerating Risks of Climate Change”. The report by the Corporation, the Military Advisory Board of which was comprised of 15 generals and admirals retired from the Army, the Navy, the Air Force, and the Marine Corps, found that—

(A) “climate change impacts are already accelerating instability in vulnerable areas of the world and are serving as catalysts for conflict”; and

(B) “actions by the United States and the international community have been insufficient to adapt to the challenges associated with projected climate change”.

(6) The Military Advisory Board also wrote that “[w]e are dismayed that discussions of climate change have become so polarizing and have receded from the arena of informed public discourse and debate. Political posturing and budgetary woes cannot be allowed to inhibit discussion and debate over what so many believe to be a salient national security concern for our Nation”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is in the national security interests of the United States to assess, plan for, and mitigate the security and strategic implications of climate change.

SA 1949. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel

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

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

SEC. 1209. REPORT ON FEASIBILITY AND AVAILABILITY OF ESTABLISHING PERMANENT FOREIGN DISASTER ASSISTANCE FORCE WITHIN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and the commander of each combatant command, shall submit to the congressional defense committees a report on the feasibility and advisability of establishing a permanent command structure along with permanently assigned forces (from either the active duty or reserve components) to respond to requests for foreign disaster assistance.

(b) ELEMENTS.—The report required under subsection (a) should include a description of—

(1) the funding mechanism and amount required to stand up and sustain a foreign assistance disaster force;

(2) the authorities and policies related to the role of the Department of Defense in foreign disaster assistance;

(3) the organizational and functional requirements of establishing a foreign disaster assistance force; and

(4) the requisite skills, experience, and training needed to sustain an effective disaster assistance response force that would be tasked with—

(A) planning and executing disaster response missions;

(B) coordinating with the Department of State, the United States Agency for International Development, and international and nongovernmental partners; and

(C) training partner countries in preparedness and response.

SA 1950. Mrs. McCASKILL submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 419, strike line 23 and all that follows through page 420, line 3 and insert the following:

(2) establish a process by which the contractor may appeal a determination by a contracting officer that an earlier determination was made in error or was based on inadequate information to the head of contracting for the agency; and

(3) establish a process by which a commercial item determination can be revoked in cases where the contracting officer has determined that an item may no longer meet the definition of a commercial item and through a price-reasonableness determination it is found that the Department of Defense would pay more for the item than it had previously or another source could provide a similar item for a lower price.

SA 1951. Mr. HEINRICH (for himself, Mr. ALEXANDER, Ms. BALDWIN, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment

SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 884. TREATMENT OF HIGH-PERFORMANCE COMPUTING SYSTEMS AT DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY NATIONAL LABORATORIES AS NATIONAL SECURITY SYSTEMS.

(a) TREATMENT AS NATIONAL SECURITY SYSTEMS.—Consistent with the exceptions to certain requirements under subchapter II of chapter 35 of title 44, United States Code, applicable to national security systems, high-performance computing (HPC) systems at Department of Defense and Department of Energy laboratories shall, as national security systems, be exempt from requirements under section 11319 of title 40, United States Code.

(b) INFORMATION SHARING.—The head of each relevant agency shall develop procedures to ensure that the Chief Information Officer of the agency has access to all necessary and appropriate information on HPC programs and investments to fulfill the Chief Information Officer's duties.

SA 1952. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1628. SENSE OF CONGRESS ON CYBER WARFARE.

(a) FINDINGS.—Congress makes the following findings:

(1) As an instrument of power, information is a powerful tool to influence, disrupt, corrupt, or usurp an adversary's ability to make and share decisions.

(2) Within the information environment, actions taken in cyberspace are increasingly part of the battlefield.

(3) State and non-state adversaries deliver propaganda through publically available social media capabilities.

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

(1) military information support operations should support Department of Defense communications efforts and act to augment efforts to degrade adversary combat power, reduce recruitment, minimize collateral damage, and maximize local support for operations; and

(2) the Secretary of Defense should develop advanced concepts to degrade adversary organizations using both traditional and emerging forms of communication and information related-capabilities.

SA 1953. Mr. REED submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr.

MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 535 and insert the following:
SEC. 535. LIMITATION ON RECEIPT OF UNEMPLOYMENT INSURANCE WHILE RECEIVING POST-9/11 EDUCATION ASSISTANCE.

Section 8525 of title 5, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “or” after the semicolon;

(B) in paragraph (2), by striking the period and inserting “; or”; and

(C) by adding at the end the following:

“(3) except for an individual described in subsection (c), an educational assistance allowance under chapter 33 of title 38.”; and

(2) by adding at the end the following:

“(c) An individual described in this subsection is an individual—

“(1) who is otherwise entitled to compensation under this subchapter;

“(2) who is an individual described in section 3311(b) of title 38; and

“(3)(A) who—

“(i) did not voluntarily separate from service in the Armed Forces or the Commissioned Corps of the National Oceanic and Atmospheric Administration (including through a reduction in force); and

“(ii) was discharged or released from such service under conditions other than dishonorable; or

“(B) who—

“(i) voluntarily separated from service in the Armed Forces or the Commissioned Corps of the National Oceanic and Atmospheric Administration;

“(ii) was employed after such separation from such service; and

“(iii) was terminated from such employment other than for cause due to misconduct connected with work.”.

SA 1954. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3115 and insert the following:

SEC. 3115. HANFORD WASTE TREATMENT AND IMMOBILIZATION PLANT CONTRACT OVERSIGHT.

(a) IN GENERAL.—Subtitle C of title XLIV of the Atomic Energy Defense Act (50 U.S.C. 2621 et seq.) is amended by adding at the end the following new section:

“SEC. 4446. HANFORD WASTE TREATMENT AND IMMOBILIZATION PLANT CONTRACT OVERSIGHT.

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016, the Secretary of Energy shall arrange to have an owner's representative assist in carrying out the oversight responsibilities of the Department of Energy with

respect to the contract described in subsection (b). The owner's representative shall report to the Office of River Protection of the Department of Energy.

“(b) CONTRACT DESCRIBED.—The contract described in this subsection is the contract between the Office of River Protection of the Department of Energy and Bechtel National, Inc. or its successor relating to the Hanford Waste Treatment and Immobilization Plant (contract number DE-AC27-01RV14136).

“(c) DUTIES.—The duties of the owner's representative under subsection (a) may include the following:

“(1) Assisting the Department of Energy with performing design, construction, commissioning, nuclear safety, and operability oversight of each facility covered by the contract described in subsection (b).

“(2) Beginning not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016, assisting the Department of Energy to ensure that the preliminary documented safety analyses for the Low-Activity Waste Vitrification Facility, the Balance of Facilities, and the Analytical Laboratory covered by the contract described in subsection (b) meet the requirements of all applicable regulations and orders of the Department of Energy as required by the contract.

“(d) REPORT REQUIRED.—

“(1) IN GENERAL.—Not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016, and annually thereafter, the Secretary of Energy shall submit to the congressional defense committees a report on the assistance provided by the owner's representative to the Department of Energy under subsection (a) with respect to the contract described in subsection (b).

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

“(A) An identification of any instance of the contractor not meeting the requirements of the applicable regulations or orders of the Department of Energy as required by the contract described in subsection (b) and the plan for and status of correcting any such instance.

“(B) Information on the status of and the plan for resolving significant unresolved technical issues at the Low-Activity Waste Vitrification Facility, the Balance of Facilities, and the Analytical Laboratory.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘contractor’ means Bechtel National, Inc. or its successor.

“(2) The terms ‘preliminary documented safety analysis’ has the meaning given that term in section 830.3 of title 10, Code of Federal Regulations (or any corresponding similar ruling or regulation).

“(3) The term ‘owner's representative’ means a third-party entity with expertise in nuclear design, construction, commissioning, and safety management and without any contractual relationship with the contractor.”.

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4445 the following new item:

“Sec. 4446. Hanford Waste Treatment and Immobilization Plant contract oversight.”.

SA 1955. Mr. BROWN (for himself and Mr. BLUNT) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and

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

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

SEC. 721. PILOT PROGRAM ON INTEGRATION OF CERTAIN NON-MEDICAL REPORTS AND RECORDS INTO THE MEDICAL RECORD OF MEMBERS OF THE ARMED FORCES.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall commence the conduct of a pilot program to assess the feasibility and advisability of integrating into the medical record of a member of the Armed Forces non-medical reports and records of the Department of Defense relating to the member that are relevant to the medical condition of the member.

(b) **PARTICIPATION IN PILOT PROGRAM.**—

(1) **UNIT BASIS.**—Members of the Armed Forces shall participate in the pilot program on a unit basis.

(2) **PARTICIPATION BY EACH ARMED FORCE.**—The units participating in the pilot program shall include not less than one unit of the regular component, and of each reserve component, of each Armed Force selected by the Secretary of Defense for purposes of the pilot program.

(c) **REPORTS AND RECORDS USED.**—The non-medical reports and records to be integrated by the Secretary under the pilot program shall include the following:

(1) Unit combat action or significant action reports.

(2) Reports or records relating to accident, injury, or mortality investigations.

(3) Reports or records relating to sexual assault investigations conducted by military criminal investigation services.

(4) Such other reports or records as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate for purposes of the pilot program.

(d) **EXCEPTION.**—If the Secretary of Defense determines that carrying out the pilot program with respect to a particular unit is no longer feasible or advisable because of the operational necessity of the Department of Defense or because it would create an unreasonable burden on the Department, the Secretary—

(1) shall notify the appropriate committees of Congress; and

(2) may, not earlier than 30 days after such notification, terminate carrying out the pilot program with respect to such unit.

(e) **PROTECTION OF CERTAIN INFORMATION.**—The Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall ensure that any sensitive, classified, or personally identifiable information included in a report or record integrated by the Secretary of Defense under the pilot program is protected from disclosure in accordance with all laws applicable to such information.

(f) **TERMINATION.**—The pilot program shall terminate on the date that is one year after the commencement of the pilot program under subsection (a).

(g) **REPORTS.**—

(1) **INITIAL REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on—

(A) the units selected for participation in the pilot program;

(B) the guidance provided to such units in carrying out the pilot program; and

(C) the methods to be used by the Secretary of Defense in carrying out the pilot program.

(2) **FINAL REPORT.**—

(A) **IN GENERAL.**—Not later than 180 days after the termination of the pilot program under subsection (f), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the pilot program.

(B) **ELEMENTS.**—The report required by subparagraph (A) shall include the following:

(i) An assessment of the feasibility and advisability of integrating into the medical record of a member of the Armed Forces non-medical reports and records of the Department of Defense relating to the member that are relevant to the medical condition of the member.

(ii) The number and types of non-medical reports and records that were integrated into the medical records of members of the Armed Forces under the pilot program.

(iii) A summary of the activities of the units during the period in which the pilot program was carried out.

(iv) Such other information and metrics relating to the pilot program as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate.

(h) **FUNDING.**—Such sums as may be necessary to carry out the pilot program shall be derived from amounts appropriated to the Department of Defense for purposes of honoring members of the Armed Forces at sporting events.

(i) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Veterans’ Affairs of the House of Representatives.

SA 1956. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 1116. PERSONNEL APPOINTMENT AUTHORITY.

(a) **IN GENERAL.**—Section 306 of the Homeland Security Act of 2002 (6 U.S.C. 186) is amended by adding at the end the following:

“(e) **PERSONNEL APPOINTMENT AUTHORITY.**—

“(1) **IN GENERAL.**—In appointing employees to positions in the Directorate of Science and Technology, the Secretary shall have the hiring and management authorities described in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note; Public Law 105-261) (referred to in this subsection as ‘section 1101’).

“(2) **TERM OF APPOINTMENTS.**—The term of appointments for employees under subsection (c)(1) of section 1101 may not exceed 5 years before the granting of any extension under subsection (c)(2) of that section.

“(3) **TERMINATION.**—The authority under this subsection shall terminate on the date on which the authority to carry out the program under section 1101 terminates under section 1101(e)(1).”.

(b) **CONFORMING AMENDMENTS.**—Section 307(b) of the Homeland Security Act of 2002 (6 U.S.C. 187(b)) is amended by—

(1) striking paragraph (6); and

(2) redesignating paragraph (7) as paragraph (6).

(c) **RULE OF CONSTRUCTION.**—Nothing in the amendments made by this section shall be construed to limit the authority granted under paragraph (6) of section 307(b) of the Homeland Security Act of 2002 (6 U.S.C. 187(b)), as in effect on the day before the date of enactment of this Act.

SA 1957. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 712, line 24, strike “Act,” and all that follows “Security,” on page 713, line 1, and insert “Act, consistent with section 227 of the Homeland Security Act of 2002 (6 U.S.C. 149), the Secretary of Homeland Security and the Secretary of Defense shall, in coordination with”.

On page 713, line 12, insert “of Defense” after “Secretary”.

On page 714, line 13, insert “of Homeland Security and the Secretary of Defense” after “Secretary”.

On page 714, line 19, strike “Department of Defense” and insert “United States”.

On page 714, line 23, insert “full spectrum of cyber defense and mitigation capabilities available to the Federal Government, including the” before “National”.

On page 715, line 6, insert “of Homeland Security and the Secretary of Defense” after “Secretary”.

On page 715, lines 7 and 8, strike “is required to coordinate under subsection (a)” and insert “of Homeland Security and the Secretary of Defense are required to coordinate under subsection (a) to leverage existing National Cyber Exercise programs, such as the Department of Homeland Security Biennial Cyber Storm Program and”.

SA 1958. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 738. SENSE OF CONGRESS ON USE BY DEPARTMENT OF DEFENSE OF PEER-TO-PEER SUPPORT NETWORKS.

It is the sense of Congress that the Department of Defense should use peer-to-peer support networks that are staffed 24 hours per day and seven days per week by veterans to provide counseling in a confidential environment to active duty members of the Armed Forces and veterans.

SA 1959. Mr. CORNYN submitted an amendment intended to be proposed to

amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1085. DESIGNATION OF MEDICAL CENTER OF DEPARTMENT OF VETERANS AFFAIRS IN HARLINGEN, TEXAS, AND INCLUSION OF INPATIENT HEALTH CARE FACILITY AT SUCH MEDICAL CENTER.

(a) FINDINGS.—Congress makes the following findings:

(1) The current and future health care needs of veterans residing in South Texas are not being fully met by the Department of Veterans Affairs.

(2) According to recent census data, more than 108,000 veterans reside in South Texas.

(3) Travel times for veterans from the Valley Coastal Bend area from their homes to the nearest hospital of the Department for acute inpatient health care can exceed six hours.

(4) Even with the significant travel times, veterans from South Texas demonstrate a high demand for health care services from the Department.

(5) Ongoing overseas deployments of members of the Armed Forces from Texas, including members of the Armed Forces on active duty, members of the Texas National Guard, and members of the other reserve components of the Armed Forces, will continue to increase demand for medical services provided by the Department in South Texas.

(6) The Department employs an annual Strategic Capital Investment Planning process to “enable the VA to continually adapt to changes in demographics, medical and information technology, and health care delivery”, which results in the development of a multi-year investment plan that determines where gaps in services exist or are projected and develops an appropriate solution to meet those gaps.

(7) According to the Department, final approval of the Strategic Capital Investment Planning priority list serves as the “building block” of the annual budget request for the Department.

(8) Arturo “Treto” Garza, a veteran who served in the Marine Corps, rose to the rank of Sergeant, and served two tours in the Vietnam War, passed away on October 3, 2012.

(9) Treto Garza, who was also a former co-chairman of the Veterans Alliance of the Rio Grande Valley, tirelessly fought to improve health care services for veterans in the Rio Grande Valley, with his efforts successfully leading to the creation of the medical center of the Department located in Harlingen, Texas.

(b) REDESIGNATION OF MEDICAL CENTER IN HARLINGEN, TEXAS.—

(1) IN GENERAL.—The medical center of the Department of Veterans Affairs located in Harlingen, Texas, shall after the date of the enactment of this Act be known and designated as the “Treto Garza South Texas Department of Veterans Affairs Health Care Center”.

(2) REFERENCES.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the medical center of the Department referred to in paragraph (1) shall be deemed to be a reference to

the Treto Garza South Texas Department of Veterans Affairs Health Care Center.

(c) REQUIREMENT OF FULL-SERVICE INPATIENT FACILITY.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall ensure that the Treto Garza South Texas Department of Veterans Affairs Health Care Center, as designated under subsection (b), includes a full-service inpatient health care facility of the Department and shall modify the existing facility as necessary to meet that requirement.

(2) PLAN TO EXPAND FACILITY CAPABILITIES.—The Secretary shall include in the annual Strategic Capital Investment Plan of the Department for fiscal year 2016 a project to expand the capabilities of the Treto Garza South Texas Department of Veterans Affairs Health Care Center, as so designated, by adding the following:

(A) Inpatient capability for 50 beds with appropriate administrative, clinical, diagnostic, and ancillary services needed for support.

(B) An urgent care center.

(C) The capability to provide a full range of services to meet the health care needs of women veterans.

(d) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report detailing a plan to implement the requirements in subsection (c), including an estimate of the cost of required actions and the time necessary for the completion of those actions.

(e) SOUTH TEXAS DEFINED.—In this section, the term “South Texas” means the following counties in Texas: Aransas, Bee, Brooks, Calhoun, Cameron, DeWitt, Dimmit, Duval, Goliad, Hidalgo, Jackson, Jim Hogg, Jim Wells, Kenedy, Kleberg, Nueces, Refugio, San Patricio, Starr, Victoria, Webb, Willacy, Zapata.

SA 1960. Ms. AYOTTE (for herself and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 832. PREFERENCE FOR FIRM FIXED PRICE CONTRACTS FOR FOREIGN MILITARY SALES.

(a) ESTABLISHMENT OF PREFERENCE.—Not later than 180 days after the date of the enactment of this Act, the Defense Federal Acquisition Regulation Supplement shall be revised to establish a preference for firm fixed price contracts for foreign military sales.

(b) WAIVER AUTHORITY.—The preference established pursuant to subsection (a) shall include a waiver that may be exercised by the military service’s acquisition executive responsible or the Under Secretary of Defense for Acquisition, Technology, and Logistics if such official or the Under Secretary certifies that a different contract type is more appropriate and in the best interest of the United States.

SA 1961. Ms. AYOTTE (for herself and Mr. TILLIS) submitted an amendment

intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1085. DEPARTMENT OF HOMELAND SECURITY PROCUREMENTS INVOLVING SMALL PURCHASES.

Subsection (f) of section 604b of the American Recovery and Investment Act of 2009 (6 U.S.C. 453b) is amended to read as follows:

“(f) EXCEPTION FOR CERTAIN PURCHASES.—Subsection (a) does not apply to purchases for amounts not greater than \$150,000.”

SA 1962. Ms. AYOTTE (for herself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 832. PROCUREMENTS INVOLVING SMALL PURCHASES.

(a) PROCUREMENTS OF CERTAIN ARTICLES.—Subsection (h) of section 2533a of title 10, United States Code, is amended to read as follows:

“(h) EXCEPTION FOR CERTAIN PURCHASES.—Subsection (a) does not apply to purchases for amounts not greater than \$150,000.”

(b) PROCUREMENTS OF STRATEGIC MATERIALS.—Subsection (f) of section 2533b of title 10, United States Code, is amended to read as follows:

“(f) EXCEPTION FOR CERTAIN PURCHASES.—Subsection (a) does not apply to purchases for amounts not greater than \$150,000.”

SA 1963. Mr. FLAKE (for himself, Mr. MCCAIN, and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1614. REPORT ON FEASIBILITY, COSTS, AND COST SAVINGS OF ALLOWING FOR COMMERCIAL APPLICATIONS OF EXCESS BALLISTIC MISSILE SOLID ROCKET MOTORS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report assessing—

(1) the feasibility of permitting excess ballistic missile solid rocket motors, including

excess ballistic missile solid rocket motors from the Minotaur launch vehicle, to be made available for commercial applications;

(2) the costs of, and the cost savings anticipated to result from, making such motors available for commercial applications;

(3) the effects of making such motors available for commercial applications on programs of the Department of Defense; and

(4) any implications of making such motors available for commercial applications for the international obligations of the United States.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

SA 1964. Mr. BROWN (for himself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1085. PRIORITY ENROLLMENT FOR VETERANS IN CERTAIN COURSES OF EDUCATION.

(a) PRIORITY ENROLLMENT.—

(1) IN GENERAL.—Chapter 36 of title 38, United States Code, is amended by inserting after section 3680A the following new section:

“§3680B. Priority enrollment in certain courses

“(a) IN GENERAL.—Notwithstanding section 3672(b)(2)(A) of this title or any other provision of law, with respect to an educational assistance program provided for in chapter 30, 31, 32, 33, or 35 of this title or chapter 1606 or 1607 of title 10, if an educational institution administers a priority enrollment system that allows certain students to enroll in courses earlier than other students, the Secretary or a State approving agency may not approve a program of education offered by such institution unless such institution allows a covered individual to enroll in courses at the earliest possible time pursuant to such priority enrollment system.

“(b) COVERED INDIVIDUAL DEFINED.—In this section, the term ‘covered individual’ means an individual using educational assistance under chapter 30, 31, 32, 33, or 35 of this title or chapter 1606 or 1607 of title 10, including—

“(1) a veteran;

“(2) a member of the Armed Forces serving on active duty or a member of a reserve component (including the National Guard);

“(3) a dependent to whom such assistance has been transferred pursuant to section 3319 of this title; and

“(4) any other individual using such assistance.

“(c) DISAPPROVAL.—An educational institution described in subsection (a) that has a program of education approved for purposes of this chapter and fails to meet the requirements of such subsection shall be immediately disapproved by the Secretary or the appropriate State approving agency in accordance with section 3679 of this title.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3680A the following new item:

“3680B. Priority enrollment in certain courses.”.

(b) EFFECTIVE DATE.—Section 3680B of such title, as added by subsection (a)(1), shall take effect on August 1, 2017.

SA 1965. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ASSIGNMENT OF CERTAIN NEW REQUIREMENTS BASED ON DETERMINATIONS OF COST-EFFICIENCY.

(a) AMENDMENT.—Chapter 146 of title 10, United States Code, is amended by inserting after section 2463 the following new section:

“§2463a. Assignment of certain new requirements based on determinations of cost-efficiency

“(a) ASSIGNMENTS BASED ON DETERMINATIONS OF COST-EFFICIENCY.—(1) Except as provided in paragraph (2) and subject to subsection (b), the assignment of performance of a new requirement by the Department of Defense to members of the armed forces, civilian employees, or contractors shall be based on a determination of which sector of the Department’s workforce can perform the new requirement in the most cost-efficient manner, based on an analysis of the costs to the Federal Government in accordance with Department of Defense Instruction 7041.04 (‘Estimating and Comparing the Full Costs of Civilian and Active Duty Military Manpower and Contract Support’) or successor guidance, consistent with the needs of the Department with respect to factors other than cost, including quality, reliability, and timeliness.

“(2) Paragraph (1) shall not apply in the case of a new requirement that is inherently governmental, closely associated with inherently governmental functions, critical, or required by law to be performed by members of the armed forces or Department of Defense civilian employees.

“(3) Nothing in this section may be construed as affecting the requirements of the Department of Defense under policies and procedures established by the Secretary of Defense under section 129a of this title for determining the most appropriate and cost-efficient mix of military, civilian, and contractor personnel to perform the mission of the Department of Defense.

“(b) WAIVER DURING AN EMERGENCY OR EXIGENT CIRCUMSTANCES.—The head of an agency may waive subsection (a) for a specific new requirement in the event of an emergency or exigent circumstances, as long as the head of an agency, within 60 days of exercising the waiver, submits to the Committees on Armed Services of the Senate and the House of Representatives notice of the specific new requirement involved, where such new requirement is being performed, and the date on which it would be practical to subject such new requirement to the requirements of subsection (a).

“(c) PROVISIONS RELATING TO ASSIGNMENT OF CIVILIAN PERSONNEL.—If a new require-

ment is assigned to a Department of Defense civilian employee consistent with the requirements of this section—

“(1) the Secretary of Defense may not—

“(A) impose any constraint or limitation on the size of the civilian workforce in terms of man years, end strength, full-time equivalent positions, or maximum number of employees; or

“(B) require offsetting funding for civilian pay or benefits or require a reduction in civilian full-time equivalents or civilian end-strengths; and

“(2) the Secretary may assign performance of such requirement without regard to whether the employee is a temporary, term, or permanent employee.

“(d) NEW REQUIREMENT DESCRIBED.—For purposes of this section, a new requirement is an activity or function that is not being performed, as of the date of consideration for assignment of performance under this section, by military personnel, civilian personnel, or contractor personnel at a Department of Defense component, organization, installation, or other entity. For purposes of the preceding sentence, an activity or function that is performed at such an entity and that is re-engineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient but is still essentially providing the same service shall not be considered a new requirement.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2463 the following new item:

“2463a. Assignment of certain new requirements based on determinations of cost-efficiency.”.

SA 1966. Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 738. COMPTROLLER GENERAL REPORT ON CARE FOR ALZHEIMER’S DISEASE AND RELATED DEMENTIAS UNDER TRICARE PROGRAM.

(a) SENSE OF CONGRESS.—

(1) FINDINGS.—Congress makes the following findings:

(A) Alzheimer’s disease is a progressive and ultimately fatal neurodegenerative disease with no known cure and is the sixth leading cause of death in the United States.

(B) Only 45 percent of people with Alzheimer’s disease or their caregivers report ever being told of the diagnosis.

(C) Accumulating evidence suggests a strong link between head injury and future risk of Alzheimer’s disease.

(D) During the years of conflict in Iraq and Afghanistan, the Defense and Veterans Brain Injury Center reports 327,299 documented cases of traumatic brain injury among active duty members of the Armed Forces.

(E) Care planning can improve health outcomes for both the diagnosed individual and caregivers of those individuals.

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

(A) covered beneficiaries diagnosed with Alzheimer’s disease or a related dementia and their families should have access to a

comprehensive care planning session from the Department of Defense;

(B) the Secretary of Defense should take appropriate action to provide eligible individuals with a care planning session with respect to diagnosis of Alzheimer's disease or a related dementia; and

(C) the care planning session should include, at minimum, a comprehensive care plan, information on the diagnosis and treatment options, and information on relevant medical and community services.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on care planning services for Alzheimer's disease and related dementias for all members of the Armed Forces and covered beneficiaries.

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

(A) A description and assessment of care planning services for Alzheimer's disease and related dementias currently provided for members of the Armed Forces and covered beneficiaries, including access to care, scope of available care, availability of specialty care, and use of care planning sessions with beneficiaries and caregivers.

(B) An assessment of the incidence and prevalence of Alzheimer's disease and related dementias during the five-year period preceding the submittal of the report for members of the Armed Forces and covered beneficiaries.

(C) A description of how the Department of Defense would implement a service for members of the Armed Forces and covered beneficiaries who are diagnosed with Alzheimer's disease or a related dementia that provides a one-time care planning session to a beneficiary and caregivers of the beneficiary to design a comprehensive care plan that includes information about the diagnosis, medical and non-medical options for ongoing treatment, and available services and support.

(c) COVERED BENEFICIARIES DEFINED.—In this section, the term "covered beneficiaries" has the meaning given that term in section 1072(5) of title 10, United States Code.

SA 1967. Mr. CASEY (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, add the following:

SEC. 904. GUIDELINES FOR CONVERSION OF FUNCTIONS PERFORMED BY CIVILIAN OR CONTRACTOR PERSONNEL TO PERFORMANCE BY MILITARY PERSONNEL.

Section 129a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) GUIDELINES FOR PERFORMANCE OF CERTAIN FUNCTIONS BY MILITARY PERSONNEL.—(1) Except as provided in paragraph (2), no functions performed by civilian personnel or contractors may be converted to performance by military personnel unless—

"(A) there is a direct link between the functions to be performed and a military occupational specialty; and

"(B) the conversion to performance by military personnel is cost effective, based on Department of Defense instruction 7041.04 (or any successor administrative regulation, directive, or policy).

"(2) Paragraph (1) shall not apply to the following functions:

"(A) Functions required by law or regulation to be performed by military personnel.

"(B) Functions related to—

"(i) missions involving operation risks and combatant status under the law of war;

"(ii) specialized collective and individual training requiring military-unique knowledge and skills based on recent operational experience;

"(iii) independent advice to senior civilian leadership in the Department of Defense requiring military-unique knowledge and skills based on recent operational experience; and

"(iv) command and control arrangements under chapter 47 of this title (the Uniform Code of Military Justice).

"(3) A function being performed by civilian personnel or contractors may not be—

"(A) modified, reorganized, divided, expanded, or in any way changed for the purpose of exempting a conversion of the function from the requirements of this subsection; or

"(B) converted to performance by military personnel because of a civilian personnel ceiling.

"(4) A conversion of performance is covered by this subsection only if the conversion changes performance of a function designated for performance by civilian personnel or contractors to performance by military personnel for a period in excess of 30 days.

"(5) The requirements of this subsection may be waived by the head of an agency for a specific function in the event of an emergency or exigent circumstances if the head of the agency notifies the Committees on Armed Services of the Senate and the House of Representatives that the specific function designated for performance by civilian personnel or contractors will instead be performed by military personnel because of an emergency or exigent circumstances. The period of any waiver under this paragraph with respect to a specific function may not exceed 90 days."

SA 1968. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 597, between lines 18 and 19, insert the following:

(b) NOTICE TO CONGRESS ON CERTAIN ASSISTANCE.—Section 1204(e) of such Act is amended by striking "the congressional defense committees" and inserting "the appropriate committees of Congress specified in subsection (g)(2)".

On page 600, line 6, strike "in coordination with the Secretary of State" and insert "with the concurrence of the Secretary of State".

On page 600, beginning on line 21, strike "the congressional defense committees" and

insert "the appropriate committees of Congress".

On page 601, line 20, strike "the congressional defense committees" and insert "the appropriate committees of Congress".

On page 602, between lines 11 and 12, insert the following:

(3) An assessment by the Department of State of the impact of such support on internal security and stability in the countries provided support.

On page 602, strike lines 12 through 15 and insert the following:

(e) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

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

(2) The term "logistic support, supplies, and services" has the meaning given that term in section 2350(1) of title 10, United States Code.

On page 606, line 15, insert "the Secretary of State and" before "the Director of National Intelligence".

On page 606, beginning on line 21, strike "the congressional defense committees" and insert "the appropriate committees of Congress".

On page 607, between lines 7 and 8, insert the following:

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

On page 607, beginning on line 12, strike "the congressional defense committees" and insert "the appropriate committees of Congress".

On page 608, after line 22, add the following:

(e) CONCURRENCE OF SECRETARY OF STATE REQUIRED IN USE OF AUTHORITY.—Subsections (a) and (b)(1) of section 1209 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 are each amended by striking "in coordination with the Secretary of State" and inserting "with the concurrence of the Secretary of State".

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

On page 621, after line 22, add the following:

(e) CONCURRENCE OF SECRETARY OF STATE REQUIRED IN USE OF AUTHORITY.—Subsections (a) and (b)(1) of section 1236 of such Act (128 Stat. 3558) are each amended by striking "in coordination with the Secretary of State" and inserting "with the concurrence of the Secretary of State".

On page 625, beginning on line 19, strike "the Committee on Armed Services" and all that follows through "of the House of Representatives" on line 22 and insert "the Committee on Armed Services, the Committee on

the Judiciary, and the Committee on Foreign Relations of the Senate and the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Foreign Affairs of the House of Representatives”.

On page 626, beginning 16, strike “the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives” and insert “the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives”.

On page 634, line 21, strike “in coordination with the Secretary of State” and insert “with the concurrence of the Secretary of State”.

On page 640, beginning on line 19, strike “the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives” and insert “the appropriate committees of Congress”.

On page 641, strike lines 4 through 11, and insert the following:

(g) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

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

(2) The term “incremental expenses” means the reasonable and proper cost of the goods and services that are consumed by a country as a direct result of that country’s participation in training under the authority of this section, including rations, fuel, training ammunition, and transportation. Such term does not include pay, allowances, and other normal costs of a country’s personnel.

On page 642, beginning on line 25, strike “in consultation with the Secretary of State” and insert “with the concurrence of the Secretary of State”.

On page 643, beginning on line 1, strike “the congressional defense committees” and insert “the appropriate committees of Congress”.

On page 644, between lines 13 and 14, insert the following:

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

On page 652, line 20, insert after “the Secretary of Defense” the following: “, with the concurrence of the Secretary of State.”.

On page 654, line 12, strike “the congressional defense committees” and insert “the appropriate committees of Congress”.

On page 655, between lines 14 and 15, insert the following:

(h) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

On page 661, beginning on line 24, strike “in consultation with the Secretary of State” and insert “with the concurrence of the Secretary of State”.

On page 663, beginning on line 11, strike “in consultation with the Secretary of State” and insert “with the concurrence of the Secretary of State”.

On page 677 between lines 2 and 3, insert the following:

(c) INCLUSION OF FOREIGN RELATIONS COMMITTEES IN REPORTS.—Section 1513 of the National Defense Authorization Act for Fiscal Year 2008 is amended—

(1) in subsections (e) and (g), by striking “the congressional defense committees” and insert “the appropriate committees of Congress”;

(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following new subsection (h):

“(h) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

“(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.”.

On page 682, beginning on line 8, strike “the Committees on Armed Services of the Senate and the House of Representatives” and insert “the appropriate committees of Congress”.

On page 682, beginning on line 16, strike “the Committees on Armed Services of the Senate and the House of Representatives” and insert “the appropriate committees of Congress”.

On page 683, between lines 3 and 4, insert the following:

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

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

SA 1969. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PRESERVING THE INTEGRITY OF THE EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Paragraph (1) of section 32(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(G) PROHIBITION ON PROVISION OF CREDIT TO CERTAIN IMMIGRANTS.—

“(i) IN GENERAL.—In the case of any alien not described in clause (ii), no credit shall be allowed under this section for any taxable year.

“(ii) AUTHORIZED ALIENS.—An alien is described in this clause if such alien—

“(I) is lawfully admitted for permanent residence,

“(II) otherwise has lawful status and is authorized to be employed in the United States pursuant to an affirmative grant of such authority under the immigration laws, or

“(III) is otherwise lawfully present in the United States, but only if such lawful presence is based on an affirmative grant of withholding of removal pursuant to section 214(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)) or an affirmative grant of withholding or deferral of removal pursuant to Article 3 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2014.

SA 1970. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle ____—PROTECTION OF CHILDREN

SEC. ____ 1. SHORT TITLE.

This subtitle may be cited as the “Protection of Children Act of 2015”.

SEC. ____ 2. REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.

(a) IN GENERAL.—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by amending the heading to read as follows: “RULES FOR UNACCOMPANIED ALIEN CHILDREN.”;

(ii) in subparagraph (A);

(I) in the matter preceding clause (i), by striking “who is a national or habitual resident of a country that is contiguous with the United States”;

(II) in clause (i), by inserting “and” at the end;

(III) in clause (ii), by striking “; and” and inserting a period; and

(IV) by striking clause (iii);

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking “(8 U.S.C. 1101 et seq.) may—” and inserting “(8 U.S.C. 1101 et seq.)—”;

(II) in clause (i), by inserting before “permit such child to withdraw” the following: “may”; and

(III) in clause (ii), by inserting before “return such child” the following: “shall”; and

(iv) in subparagraph (C)—

(I) by amending the heading to read as follows: “AGREEMENTS WITH FOREIGN COUNTRIES.”; and

(II) in the matter preceding clause (i), by striking “The Secretary of State shall negotiate agreements between the United States and countries contiguous to the United States” and inserting “The Secretary of State may negotiate agreements between the United States and any foreign country that the Secretary determines appropriate”; and

(B) in paragraph (5)(D)—

(i) in the matter preceding clause (i), by striking “, except for an unaccompanied alien child from a contiguous country subject to the exceptions under subsection (a)(2),” and inserting “who does not meet the criteria listed in paragraph (2)(A)”; and

(ii) in clause (i), by inserting before the semicolon at the end the following: “, which

shall include a hearing before an immigration judge not later than 14 days after being screened under paragraph (4)";

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting before the semicolon the following: "believed not to meet the criteria listed in subsection (a)(2)(A)"; and

(ii) in subparagraph (B), by inserting before the period the following: "and does not meet the criteria listed in subsection (a)(2)(A)"; and

(B) in paragraph (3), by striking "an unaccompanied alien child in custody shall" and all that follows, and inserting the following: "an unaccompanied alien child in custody—

"(A) in the case of a child who does not meet the criteria listed in subsection (a)(2)(A), shall transfer the custody of such child to the Secretary of Health and Human Services not later than 30 days after determining that such child is an unaccompanied alien child who does not meet such criteria; or

"(B) in the case of child who meets the criteria listed in subsection (a)(2)(A), may transfer the custody of such child to the Secretary of Health and Human Services after determining that such child is an unaccompanied alien child who meets such criteria."; and

(3) in subsection (c)—

(A) in paragraph (3), by inserting at the end the following:

"(D) INFORMATION ABOUT INDIVIDUALS WITH WHOM CHILDREN ARE PLACED.—

"(i) INFORMATION TO BE PROVIDED TO HOMELAND SECURITY.—Before placing a child with an individual, the Secretary of Health and Human Services shall provide to the Secretary of Homeland Security, regarding the individual with whom the child will be placed, the following information:

"(I) The name of the individual.

"(II) The social security number of the individual.

"(III) The date of birth of the individual.

"(IV) The location of the individual's residence where the child will be placed.

"(V) The immigration status of the individual, if known.

"(VI) Contact information for the individual.

"(ii) SPECIAL RULE.—In the case of a child who was apprehended on or after June 15, 2012, and before the date of the enactment of the Protection of Children Act of 2015, who the Secretary of Health and Human Services placed with an individual, the Secretary shall provide the information listed in clause (i) to the Secretary of Homeland Security not later than 90 days after the date of the enactment of the Protection of Children Act of 2015.

"(iii) ACTIVITIES OF THE SECRETARY OF HOMELAND SECURITY.—Not later than 30 days after receiving the information listed in clause (i), the Secretary of Homeland Security shall—

"(I) in the case that the immigration status of an individual with whom a child is placed is unknown, investigate the immigration status of that individual; and

"(II) upon determining that an individual with whom a child is placed is unlawfully present in the United States, initiate removal proceedings pursuant to chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.); and

(B) in paragraph (5)—

(i) by inserting after "to the greatest extent practicable" the following: "(at no expense to the Government)"; and

(ii) by striking "have counsel to represent them" and inserting "have access to counsel to represent them".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any unauthorized alien child apprehended on or after June 15, 2012.

SEC. 3. SPECIAL IMMIGRANT JUVENILE STATUS FOR IMMIGRANTS UNABLE TO REUNITE WITH EITHER PARENT.

Section 101(a)(27)(J)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)(i)) is amended by striking "1 or both of the immigrant's parents" and inserting "either of the immigrant's parents".

SEC. 4. JURISDICTION OF ASYLUM APPLICATIONS.

Section 208(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by striking subparagraph (C).

SA 1971. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle Asylum Reform and Border Protection

SEC. 1. SHORT TITLE.

This subtitle may be cited as the "Asylum Reform and Border Protection Act of 2015".

SEC. 2. CLARIFICATION OF INTENT REGARDING TAXPAYER-PROVIDED COUNSEL.

Section 292 of the Immigration and Nationality Act (8 U.S.C. 1362) is amended—

(1) by striking "(at no expense to the Government)"; and

(2) by adding at the end the following:

"Notwithstanding any other provision of law, in no instance shall the Government bear any expense for counsel for any person in removal proceedings or in any appeal proceedings before the Attorney General from any such removal proceedings."

SEC. 3. SPECIAL IMMIGRANT JUVENILE VISAS.

Section 101(a)(27)(J)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)(i)) is amended by striking "and whose reunification with 1 or both of the immigrant's parents is not viable due" and inserting "and who cannot be reunified with either of the immigrant's parents due".

SEC. 4. CREDIBLE FEAR INTERVIEWS.

Section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)) is amended by striking "208." and inserting "208, and it is more probable than not that the statements made by the alien in support of the alien's claim are true."

SEC. 5. RECORDING EXPEDITED REMOVAL AND CREDIBLE FEAR INTERVIEWS.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish quality assurance procedures and take steps to effectively ensure that questions by employees of the Department of Homeland Security exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) are asked in a uniform manner, and that both these questions and the answers provided in response to them are recorded in a uniform fashion.

(b) FACTORS RELATING TO SWORN STATEMENTS.—Where practicable, any sworn or signed written statement taken of an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and

Nationality Act (8 U.S.C. 1225(b)(1)(A)) shall be accompanied by a recording of the interview which served as the basis for that sworn statement.

(c) INTERPRETERS.—The Secretary of Homeland Security shall ensure that a competent interpreter, not affiliated with the government of the country from which the alien may claim asylum, is used when the interviewing officer does not speak a language understood by the alien and there is no other Federal, State, or local government employee available who is able to interpret effectively, accurately, and impartially.

(d) RECORDINGS IN IMMIGRATION PROCEEDINGS.—Recordings of interviews of aliens subject to expedited removal shall be included in the record of proceeding and shall be considered as evidence in any further proceedings involving the alien.

(e) NO PRIVATE RIGHT OF ACTION.—Nothing in this section may be construed to create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable in law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does this section create any right of review in any administrative, judicial, or other proceeding.

SEC. 6. PAROLE REFORM.

(a) IN GENERAL.—Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) is amended to read as follows:

"(5) HUMANITARIAN AND PUBLIC INTEREST PAROLE.—

"(A) IN GENERAL.—Subject to the provisions of this paragraph and section 214(f)(2), the Secretary of Homeland Security, in the sole discretion of the Secretary of Homeland Security, may on a case-by-case basis parole an alien into the United States temporarily, under such conditions as the Secretary of Homeland Security may prescribe, only—

"(i) for an urgent humanitarian reason (as described under subparagraph (B)); or

"(ii) for a reason deemed strictly in the public interest (as described under subparagraph (C)).

"(B) HUMANITARIAN PAROLE.—The Secretary of Homeland Security may parole an alien based on an urgent humanitarian reason described in this subparagraph only if—

"(i) the alien has a medical emergency and the alien cannot obtain necessary treatment in the foreign state in which the alien is residing or the medical emergency is life-threatening and there is insufficient time for the alien to be admitted through the normal visa process;

"(ii) the alien is needed in the United States in order to donate an organ or other tissue for transplant into a close family member;

"(iii) the alien has a close family member in the United States whose death is imminent and the alien could not arrive in the United States in time to see such family member alive if the alien were to be admitted through the normal visa process;

"(iv) the alien is a lawful applicant for adjustment of status under section 245; or

"(v) the alien was lawfully granted status under section 208 or lawfully admitted under section 207.

"(C) PUBLIC INTEREST PAROLE.—The Secretary of Homeland Security may parole an alien based on a reason deemed strictly in the public interest described in this subparagraph only if the alien has assisted the United States Government in a matter, such as a criminal investigation, espionage, or other similar law enforcement activity, and either the alien's presence in the United States is required by the Government or the alien's life would be threatened if the alien were not permitted to come to the United States.

“(D) LIMITATION ON THE USE OF PAROLE AUTHORITY.—The Secretary of Homeland Security may not use the parole authority under this paragraph to permit to come to the United States aliens who have applied for and have been found to be ineligible for refugee status or any alien to whom the provisions of this paragraph do not apply.

“(E) PAROLE NOT AN ADMISSION.—Parole of an alien under this paragraph shall not be considered an admission of the alien into the United States. When the purposes of the parole of an alien have been served, as determined by the Secretary of Homeland Security, the alien shall immediately return or be returned to the custody from which the alien was paroled and the alien shall be considered for admission to the United States on the same basis as other similarly situated applicants for admission.

“(F) REPORT TO CONGRESS.—Not later than 90 days after the end of each fiscal year, the Secretary of Homeland Security shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate describing the number and categories of aliens paroled into the United States under this paragraph. Each such report shall contain information and data concerning the number and categories of aliens paroled, the duration of parole, and the current status of aliens paroled during the preceding fiscal year.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

SEC. 7. REPORT TO CONGRESS ON PAROLE PROCEDURES AND STANDARDIZATION OF PAROLE PROCEDURES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Attorney General and the Secretary of Homeland Security shall jointly conduct a review, and submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives regarding the effectiveness of parole and custody determination procedures applicable to aliens who have established a credible fear of persecution and are awaiting a final determination regarding their asylum claim by the immigration courts. The report shall include the following:

(1) An analysis of the rate at which release from detention (including release on parole) is granted to aliens who have established a credible fear of persecution and are awaiting a final determination regarding their asylum claim by the immigration courts throughout the United States, and any disparity that exists between locations or geographical areas, including explanation of the reasons for this disparity and what actions are being taken to have consistent and uniform application of the standards for granting parole.

(2) An analysis of the effect of the procedures and policies applied with respect to parole and custody determinations both by the Attorney General and the Secretary on the alien's pursuit of their asylum claim before an immigration court.

(3) An analysis of the effectiveness of the procedures and policies applied with respect to parole and custody determinations both by the Attorney General and the Secretary in securing the alien's presence at the immigration court proceedings.

(b) RECOMMENDATIONS.—The report submitted under subsection (a) should include—

(1) recommendations with respect to whether the existing parole and custody determination procedures applicable to aliens who have established a credible fear of persecution and are awaiting a final determina-

tion regarding their asylum claim by the immigration courts—

(A) respect the interests of aliens; and
(B) ensure the presence of the aliens at the immigration court proceedings; and
(2) an assessment on corresponding failure to appear rates, in absentia orders, and absconders.

SEC. 8. UNACCOMPANIED ALIEN CHILD DEFINED.

Section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)) is amended to read as follows:

“(2) the term ‘unaccompanied alien child’—

“(A) means an alien who—

“(i) has no lawful immigration status in the United States;

“(ii) has not attained 18 years of age; and

“(iii) with respect to whom—

“(I) there is no parent or legal guardian in the United States;

“(II) no parent or legal guardian in the United States is available to provide care and physical custody; or

“(III) no sibling over 18 years of age, aunt, uncle, grandparent, or cousin over 18 years of age is available to provide care and physical custody; except that

“(B) such term shall cease to include an alien if at any time a parent, legal guardian, sibling over 18 years of age, aunt, uncle, grandparent, or cousin over 18 years of age of the alien is found in the United States and is available to provide care and physical custody (and the Secretary of Homeland Security and the Secretary of Health and Human Services shall revoke accordingly any prior designation of the alien under this paragraph).”

SEC. 9. MODIFICATIONS TO PREFERENTIAL AVAILABILITY FOR ASYLUM FOR UNACCOMPANIED ALIEN MINORS.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended—

(1) by striking subsection (a)(2)(E); and

(2) by striking subsection (b)(3)(C).

SEC. 10. NOTIFICATION AND TRANSFER OF CUSTODY REGARDING UNACCOMPANIED ALIEN MINORS.

Section 235(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b)) is amended—

(1) in paragraph (2), by striking “48 hours” and inserting “7 days”; and

(2) in paragraph (3), by striking “72 hours” and inserting “30 days”.

SEC. 11. INFORMATION SHARING BETWEEN DEPARTMENT OF HEALTH AND HUMAN SERVICES AND DEPARTMENT OF HOMELAND SECURITY.

Section 235(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b)) is amended by adding at the end the following:

“(5) INFORMATION SHARING.—The Secretary of Health and Human Services shall share with the Secretary of Homeland Security any information requested on a child who has been determined to be an unaccompanied alien child and who is or has been in the custody of the Secretary of Health and Human Services, including the location of the child and any person to whom custody of the child has been transferred, for any legitimate law enforcement objective, including enforcement of the immigration laws.”

SEC. 12. SAFE THIRD COUNTRY.

Section 208(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(a)(2)(A)) is amended—

(1) by striking “Attorney General” and inserting “Secretary of Homeland Security”; and

(2) by striking “removed, pursuant to a bilateral or multilateral agreement, to” and inserting “removed to”.

SEC. 13. ADDITIONAL IMMIGRATION JUDGES AND ICE PROSECUTORS.

(a) EXECUTIVE OFFICE FOR IMMIGRATION REVIEW.—Subject to the availability of appropriations, in each of fiscal years 2015 through 2017, the Attorney General shall increase by not less than 50 the number of positions for full-time immigration judges within the Executive Office for Immigration Review above the number of such positions for which funds were allotted for fiscal year 2014.

(b) IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF THE PRINCIPAL LEGAL ADVISOR.—Subject to the availability of appropriations, in each of the fiscal years 2015 through 2017, the Secretary of Homeland Security shall increase by not less than 60 the number of positions for full-time trial attorneys within the Immigration and Customs Enforcement Office of the Principal Legal Advisor above the number of such positions for which funds were allotted for fiscal year 2014.

SEC. 14. MINORS IN DEPARTMENT OF HEALTH AND HUMAN SERVICES CUSTODY.

Section 235(c)(2)(A) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(2)(A)) is amended by striking the last two sentences.

SEC. 15. FOREIGN ASSISTANCE FOR REPATRIATION.

(a) SUSPENSION OF FOREIGN ASSISTANCE.—The Secretary of State shall immediately suspend all foreign assistance, including under United States Agency for International Development programs, the Central American Regional Security Initiative, or the International Narcotic Control Law Enforcement program, to any large sending country that—

(1) refuses to negotiate an agreement under section 235(a)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)(2)); or

(2) refuses to accept from the United States repatriated unaccompanied alien children (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))) who are nationals or residents of the sending country.

(b) USE OF FOREIGN ASSISTANCE FOR REPATRIATION.—The Secretary of State shall provide any additional foreign assistance from the United States that such Secretary determines is needed to implement an agreement under section 235(a)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)(2)) or safely to repatriate or reintegrate nationals or residents of a large sending country without increasing the total quantity of foreign assistance to such country. Such country may use any earlier foreign assistance for the purpose of repatriation or implementation of any agreement under such section 235(a)(2).

(c) DEFINITION OF LARGE SENDING PROGRAM.—In this section, the term “large sending country” means—

(1) any country which was the country of nationality or last habitual residence for 1,000 or more unaccompanied alien children (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))) who entered the United States in a single fiscal year in any of the prior 3 fiscal years; and

(2) any other country which the Secretary of Homeland Security deems appropriate.

(d) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act and shall apply with respect to any unaccompanied alien child (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))) apprehended on or after such date.

SEC. 16. REPORTS.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Secretary of State and the Secretary of Health and Human Services, with assistance from the Secretary of Homeland Security, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on efforts to improve repatriation programs for unaccompanied alien children (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))). Such reports shall include the following:

(1) The average time that such a child is detained after apprehension until removal.

(2) The number of such children detained improperly beyond the required time periods under paragraphs (2) and (3) of section 235(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b)).

(3) A statement of the funds used to effectuate the repatriation of such children, including any funds that were reallocated from foreign assistance accounts as of the date of the enactment of this Act.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act and shall apply with respect to any unaccompanied alien child (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))) apprehended on or after such date.

SEC. 17. WITHHOLDING OF REMOVAL.

(a) IN GENERAL.—Section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)) is amended—

(1) by adding at the end of subparagraph (A) the following:

“The burden of proof shall be on the alien to establish that the alien’s life or freedom would be threatened in that country, and that race, religion, nationality, membership in a particular social group, or political opinion would be at least one central reason for such threat.”; and

(2) in subparagraph (C), by striking “In determining whether an alien has demonstrated that the alien’s life or freedom would be threatened for a reason described in subparagraph (A),” and inserting “For purposes of this paragraph.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted on May 11, 2005, and shall apply to applications for withholding of removal made on or after such date.

SEC. 18. GROSS VIOLATIONS OF HUMAN RIGHTS.

(a) INADMISSIBILITY OF CERTAIN ALIENS.—Section 212(a)(3)(E)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)(iii)) is amended to read as follows:

“(iii) COMMISSION OF ACTS OF TORTURE, EXTRAJUDICIAL KILLINGS, WAR CRIMES, OR WIDESPREAD OR SYSTEMATIC ATTACKS ON CIVILIANS.—Any alien who planned, ordered, assisted, aided and abetted, committed, or otherwise participated in, including through command responsibility and without regard to motivation or intent, the commission of—

“(I) any act of torture (as defined in section 2340 of title 18, United States Code);

“(II) any extrajudicial killing (as defined in section 3(a) of the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note)) under color of law of any foreign nation;

“(III) a war crime (as defined in section 2441 of title 18, United States Code); or

“(IV) a widespread or systematic attack directed against a civilian population, with knowledge of the attack, murder, extermination, enslavement, forcible transfer of population, arbitrary detention, rape, sexual

slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;

“(V) persecution on political racial, national, ethnic, cultural, religious, or gender grounds;

“(VI) enforced disappearance of persons; or

“(VII) other inhumane acts of a similar character intentionally causing great suffering or serious bodily or mental injury, is in admissible.”.

(b) NONAPPLICABILITY OF CONFIDENTIALITY REQUIREMENT WITH RESPECT TO VISA RECORDS.—The President may make public, without regard to the requirements under section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)), with respect to confidentiality of records pertaining to the issuance or refusal of visas or permits to enter the United States, the names of aliens deemed inadmissible on the basis of section 212(a)(3)(E)(iii) of the Immigration and Nationality Act, as amended by subsection (a).

SEC. 19. FIRM RESETTLEMENT.

Section 208(b)(2)(A)(vi) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)(vi)) is amended by striking “States.” and inserting “States, which shall be considered demonstrated by evidence that the alien can live in such country (in any legal status) without fear of persecution.”.

SEC. 20. TERMINATION OF ASYLUM STATUS PURSUANT TO RETURN TO HOME COUNTRY.

(a) TERMINATION OF STATUS.—Except as provided in subsections (b) and (c), any alien who is granted asylum or refugee status under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), who, without a compelling reason as determined by the Secretary, subsequently returns to the country of such alien’s nationality or, in the case of an alien having no nationality, returns to any country in which such alien last habitually resided, and who applied for such status because of persecution or a well-founded fear of persecution in that country on account of race, religion, nationality, membership in a particular social group, or political opinion, shall have his or her status terminated.

(b) WAIVER.—The Secretary has discretion to waive subsection (a) if it is established to the satisfaction of the Secretary that the alien had a compelling reason for the return. The waiver may be sought prior to departure from the United States or upon return.

(c) EXCEPTION FOR CERTAIN ALIENS FROM CUBA.—Subsection (a) shall not apply to an alien who is eligible for adjustment to that of an alien lawfully admitted for permanent residence pursuant to the Cuban Adjustment Act of 1966 (Public Law 89-732).

SEC. 21. ASYLUM CASES FOR HOME SCHOOLERS.

(a) IN GENERAL.—Section 101(a)(42) (8 U.S.C. 1101(a)(42)) is amended by adding at the end the following: “For purposes of determinations under this Act, a person who has been persecuted for failure or refusal to comply with any law or regulation that prevents the exercise of the individual right of that person to direct the upbringing and education of a child of that person (including any law or regulation preventing homeschooling), or for other resistance to such a law or regulation, shall be deemed to have been persecuted on account of membership in a particular social group, and a person who has a well founded fear that he or she will be subject to persecution for such failure, refusal, or resistance shall be deemed to have a well founded fear of persecution on account of membership in a particular social group.”.

(b) NUMERICAL LIMITATION.—Section 207(a) of the Immigration and Nationality Act (8

U.S.C. 1157(a)) is amended by adding at the end the following:

“(5) For any fiscal year, not more than 500 aliens may be admitted under this section, or granted asylum under section 208, pursuant to a determination under section 101(a)(42) that the alien is described in the final sentence of section 101(a)(42) (as added by section 21 of the Asylum Reform and Border Protection Act of 2015).”.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to failure or refusal to comply with a law or regulation, or other resistance to a law or regulation, occurring before, on, or after such date.

(2) NUMERICAL LIMITATION.—The amendment made by subsection (b) shall take effect beginning on the first day of the first fiscal year beginning after the date of the enactment of this Act.

SEC. 22. NOTICE CONCERNING FRIVOLOUS ASYLUM APPLICATIONS.

(a) IN GENERAL.—Section 208(d)(4) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(4)) is amended—

(1) in the matter preceding subparagraph (A), by inserting “the Secretary of Homeland Security or” before “the Attorney General”;

(2) in subparagraph (A), by striking “and of the consequences, under paragraph (6), of knowingly filing a frivolous application for asylum”;

(3) in subparagraph (B), by striking the period and inserting “; and”;

(4) by adding at the end the following:

“(C) ensure that a written warning appears on the asylum application advising the alien of the consequences of filing a frivolous application.”; and

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

“The written warning referred to in subparagraph (C) shall serve as notice to the alien of the consequences of filing a frivolous application.”.

(b) CONFORMING AMENDMENT.—Section 208(d)(6) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(6)) is amended by striking “paragraph (4)(A)” and inserting “paragraph (4)(C)”.

SEC. 23. TERMINATION OF ASYLUM STATUS.

Section 208(c) of the Immigration and Nationality Act (8 U.S.C. 1158(c)) is amended by adding at the end the following:

“(4) If an alien’s asylum status is subject to termination under paragraph (2), the immigration judge shall first determine whether the conditions specified under paragraph (2) have been met, and if so, terminate the alien’s asylum status before considering whether the alien is eligible for adjustment of status under section 209.”.

SA 1972. Mr. SESSIONS (for Mr. VIT-TER) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1085. CITIZENSHIP AT BIRTH FOR CERTAIN PERSONS BORN IN THE UNITED STATES.

(a) IN GENERAL.—Section 301 of the Immigration and Nationality Act (8 U.S.C. 1401) is amended—

(1) by inserting “(a) IN GENERAL.—” before “The following”;

(2) by redesignating subsections (a) through (h) as paragraphs (1) through (8), respectively, and indenting such paragraphs, as redesignated, an additional 2 ems to the right; and

(3) by adding at the end the following:

“(b) DEFINITION.—Acknowledging the right of birthright citizenship established by section 1 of the 14th Amendment to the Constitution of the United States, a person born in the United States shall be considered ‘subject to the jurisdiction’ of the United States for purposes of subsection (a)(1) only if the person is born in the United States and at least 1 of the person’s parents is—

“(1) a citizen or national of the United States;

“(2) an alien lawfully admitted for permanent residence in the United States whose residence is in the United States; or

“(3) an alien performing active service in the armed forces (as defined in section 101 of title 10, United States Code).”

(b) APPLICABILITY.—The amendment made by subsection (a)(3) may not be construed to affect the citizenship or nationality status of any person born before the date of the enactment of this Act.

(c) SEVERABILITY.—If any provision of this section or any amendment made by this section, or any application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of the provisions of this Act and the amendments made by this Act and the application of the provision or amendment to any other person or circumstance shall not be affected.

SA 1973. Mr. SESSIONS (for Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 524. REPEAL OF DISCRETIONARY AUTHORITY TO AUTHORIZE CERTAIN ENLISTMENTS IN THE ARMED FORCES.

Section 504(b) of title 10, United States Code, is amended—

(1) by striking paragraph (2);

(2) by striking “(1)”; and

(3) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on June 9, 2015, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on

Foreign Relations be authorized to meet during the session of the Senate on June 9, 2015, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 9, 2015, at 10:30 a.m. to conduct a hearing entitled “Oversight of the Transportation Security Administration: First-Hand and Government Watchdog Accounts of Agency Challenges.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS’ AFFAIRS

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on June 9, 2015.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ENZI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 9, 2015, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. NELSON. Mr. President, I ask unanimous consent that Shaun Easley, a Defense fellow serving on my staff, during consideration of the bill H.R. 1735, the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WICKER. Mr. President, it is my privilege to ask unanimous consent that Capt. Matthew T. Reeder, a U.S. Marine Corps national security fellow in Senator AYOTTE’s office, be granted floor privileges for the remainder of this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent that Kathleen Perry, a fellow in my office, be granted the privileges of the floor during the consideration of H.R. 1735, the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent that CDR Eddie Pilcher, the defense legislative fellow assigned to my office, be granted floor privileges for the remainder of the calendar year.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Senate

proceed to executive session to consider Executive Calendar No. 77; that the nomination be confirmed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate’s action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

IN THE ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Anthony C. Funkhouser

Brig. Gen. Donald E. Jackson, Jr.

Brig. Gen. Kent D. Savre

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

COLLECTOR CAR APPRECIATION DAY

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 196, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A bill (S. Res. 196) designating July 10, 2015, as Collector Car Appreciation Day and recognizing that the collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 196) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today’s RECORD under “Submitted Resolutions.”)

RECOGNIZING THE NEED TO IMPROVE PHYSICAL ACCESS TO MANY FEDERALLY FUNDED FACILITIES

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 197, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.