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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The PRESIDENT pro tempore. Today's opening prayer will be offered by Steve Berger, pastor of Grace Chapel in Leiper's Fork, TN.

The guest Chaplain offered the following prayer:

Let us pray together.

Almighty God, King of Creation and Ruler of the Universe, we thank You for Your undeniably sovereign, merciful, and benevolent hand in the forming, leading, and blessing of these United States.

Father, thank You for revealing Your will and Your ways to this Nation and its leaders through Your sacred, Holy Word.

We pray, therefore, that we would be united in doing what is good in Your sight, and what You require of us, to do justly, to love mercy, and to walk humbly with our God.

Father, may our leaders and our Nation also walk in the faith of Abraham, the integrity of Moses, the wisdom of Solomon, the courage of the Prophets, and the self-sacrificing love and compassion of Jesus.

O God, when we fail to walk in Your ways, and sin against You and one another, may we be quick to humble ourselves and pray, to seek Your face, to turn from our wicked ways, that You might hear from Heaven, forgive our sin, and heal our land.

Remember mercy, O God, and revive us in Your ways, that this Nation might be blessed for generations to come.

We ask all these things through the Name of Jesus and by the power of the Holy Spirit. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mr. HELLER). The Senator from Tennessee.

WELCOMING THE GUEST CHAPLAIN

Mr. CORKER. Mr. President, I rise to speak of Pastor Steve Berger. It moves me to hear his voice echoing throughout this Chamber. He is one of the preeminent spiritual leaders in our Nation. He prays daily with his wife Sarah, who happens to be in the Chamber.

He prays daily for our Nation. There is a purity of his mission in leading a church that is making a difference in our State, and I think making a difference in our country, leading efforts not only here but around the world to bring people together, and I am so thrilled this Chamber and the people of our country are able to witness someone who I believe to be one of the greatest spiritual leaders in our Nation.

I only hope more people would be able to hear from him. Truly, it is a very moving moment for me to have a friend like Steve Berger, who means so much to our State and country, before us. I thank him for his willingness to do this.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I welcome Steve Berger and thank Senator CORKER for arranging for him to be here today. Steve is, indeed, one of our most distinguished Tennesseans. We welcome his family and some of his friends who are with us in the Gallery.

Chaplain Barry Black has reminded us that this tradition of opening the Senate with a prayer has been with us since the Senate began, and the Senate has had a Chaplain before the First Amendment to our Constitution was adopted. This tradition is an essential part of the American character, and having Steve Berger here to help us celebrate that essential part of the American character is a very special moment for me as well as for Senator CORKER.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

NATIONAL DEFENSE AUTHORIZATION BILL

Mr. MCCONNELL. Mr. President, President Obama's approach to national security policy began with unworkable ideas on the campaign trail, and it has been marked by some consistent themes, like inflexible commitments to drawing down our conventional military posture from across the globe, like an excessive reliance on international organizations, like a tendency toward the use of Special Operations forces to train and equip units in other countries.

What do we see as we look back now at the twilight of his Presidency? We have seen increased instability in places such as Iraq, Afghanistan, and Yemen. We have seen the evolution of Al Qaeda in Iraq into ISIL and its expansion into Libya, Syria, and the Sinai.

In just a few short months, the next Commander in Chief, regardless of party, will be faced with the consequences of the President's failed foreign policy and will need to adapt an insufficient defense modernization program to tackle both the challenges posed by terrorism and by adversaries like China, Russia, and Iran.

This is why we need to use the remaining months of this administration to help prepare the next administration, regardless of party, to deal with the news it is about to inherit. That is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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what we are doing on the floor right now. The Defense bill before us will modernize our military and provide our troops with more of the tools they need to confront the threats we face. It will help prepare the next Commander in Chief to confront the complex challenges of today and of tomorrow. It is serious policy—policy that will keep our country safe, and after years of this administration's spin and failures, that is what our people deserve.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

PARITY IN THE BUDGET

Mr. REID. Mr. President, I just left my ''Welcome to Washington,'' which I have been having for many years. I had about 85 people from Nevada, my constituents—our constituents—and they asked me what I had done in the Senate that I remember. So I told them a few things. They also asked me if I have a regret, and I do.

It takes a lot of gall for my friend the Republican leader to talk about foreign policy. My biggest regret is having voted for the Iraq war. I was misled, as a number of people were, but it didn't take me long to figure that out. So I became convinced it was a mistake, and I spoke out loud and clear.

Why was it a mistake? It was the worst foreign policy decision made in the history of our country. That invasion has caused the death of—no one knows for sure but about one-half million Iraqis—500,000 dead men, women, and children. At this stage, because of the invasion, we have now complete instability in Syria. About 300,000 are dead there. Millions have been displaced, driven into Europe and other places. Iran is stronger than they would have been but for the war. The whole Middle East is destabilized.

When President Bush took office, because of the work done in the Clinton administration, we had a balanced budget. Can you imagine that? A balanced budget. We were spending less than we were taking in as a country. When Bush took office, we had a surplus of, over 10 years, $7 trillion. Where is that money now? It has been used with a credit card—a credit card that paid for two wars. I repeat, unpaid for and tax cuts unpaid for. We are now upside down.

So for my friend to talk about failed foreign policy takes a tremendous amount of mental gymnastics. We have been clear from the start, enough on the war in Iraq. It is a disaster that will be written about for centuries because the full impact of it is not over yet. We have been clear from the start of this Congress, the appropriations process needs to stick to last year's budget agreement. It is the law, which maintains parity between the Pentagon and the middle class, and avoid poison-pill riders.

Today, we vote on Senator MCCAIN's amendment to add $18 billion in Pentagon spending beyond what Congress agreed to in last year's bipartisan agreement. In response, Senator REED of Rhode Island and Senator MIKULSKI of Maryland have offered an amendment that would add security and other funding in America to maintain the parity to which both parties agreed in the budget law passed last year.

Our amendment would increase funding to combat Zika. By the way, we had a briefing yesterday by the head of the Centers for Disease Control. The man who is in charge of NIH, with this terrible virus that is sweeping this part of the world, told us they are desperate for money. They are desperate for money to do their research to prepare vaccines.

Our amendment would also increase money for local police to fight the opioid scourge, to improve our infrastructure around the country, and to do something about the money that has never been provided to take care of the devastation that hit Flint, MI, with the lead in the water. The security of our great country depends on more than bombs and bullets. I support the military. I have my entire career. I know how gallantly they fight.

In my ''Welcome to Washington'' today, there was a young cadet there. I brought him up first thing to show him off. This young man is one of the finest students in America. He could have gone to school anyplace. Not only was he a good student, he was a good athlete. He chose the Military Academy. He believes in serving his country.

I do everything I can to support the military, but our security depends on more than bombs and bullets. It depends on the FBI, Homeland Security, Drug Enforcement Administration, and these many other myriad things that take place in our country that need our attention.

If Republicans pass this amendment of Senator MCCAIN's to block a similar increase for the middle class—Senator REED's and Senator MIKULSKI's amendment—they will have a broken budget agreement, and they will grind the Defense appropriations bill to a halt. We have put everyone on notice. We have done it before, but let me reiterate. If they break the budget agreement with the McCain amendment, the Republicans will be stopping the appropriations process on the Defense appropriations bill. We will not get to the appropriations bill. That is not a threat. It is a fact.

The solution this year is the same as last year's: stick by the budget agreement and give fair treatment to the Pentagon and nondefense spending. They should be on equal grounds.

Mr. President, I see no one on the floor. I yield the floor and ask the Chair to announce the business of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2943, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2943) to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

McCain amendment No. 4229, to address unfunded priorities of the Armed Forces.

Reed/Mikulski amendment No. 4549 (to amendment No. 4229), to authorize parity for defense and nondefense spending pursuant to the Bipartisan Budget Act of 2015.

Mr. REID. Mr. President, is the time automatically divided?

The PRESIDING OFFICER. It is not.

Mr. REID. I suggest the absence of a quorum and ask that the time be divided equally between the majority and minority.

The PRESIDING OFFICER. The time is not generally divided.

Mr. REID. Oh, it is not divided.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUNT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROUNDS). Without objection, it is so ordered.

72ND ANNIVERSARY OF D-DAY

Mr. BLUNT. Mr. President, this week, as we are debating the National Defense Authorization Act, we also celebrate the 72nd anniversary of D-day. On June 6, 1944, more than 160,000 allied troops, including 70,000 brave Americans, did something that no one had ever tried before—a cross-channel landing the size and scope of which had never been envisioned as a reality by warriors. These brave soldiers stormed the beaches of Normandy.

I had an opportunity a few years ago to visit the Normandy American Cemetery and Memorial. I walked through the cemetery with a Belgian guide who had a great appreciation for everything our American soldiers had done to try to bring freedom to Europe again. By the way, later that summer he visited the National World War I Memorial in Kansas City, MO. We talked about the cemetery. One of my sons and one of my grandsons were with us, and they had a chance to identify two brothers buried side by side and a father and son who were buried side by side. These Missourians had given their life on D-day.

Our guide sat us down on this low wall with the English Channel behind us where the Atlantic Ocean flows in and out and with the 8,000 or so graves in front of us. He then opened up his computer, and there was a picture of General Eisenhower and Walter Cronkite sitting in exactly the same place 20 years after the D-day landing, June 6, 1964. Former President Eisenhower said something like this: You know, Walter, my son graduated from West Point on D-day, and many times over the last 20 years, I thought about the family that he and his wife have had a chance to raise and the experiences they shared, and I thought about these young men who didn't have those 20 years because of what they were asked to do.

To hear those words spoken by the person who was ultimately the one who asked these brave soldiers to do what they did showed the responsibility he felt 20 years later for the many lives that were lost and those bodies that were brought back to the United States. That Normandy cemetery doesn't even begin to reflect the lives that were lost. It really made me think when he said: Many times over the last 20 years, I thought about these young men and the lives they didn't get to have because of what they were asked to do.

We have debated this bill for over 50 years now, and we have passed this bill every single year. Every time we debate this bill, we should think of what those who defend us are asked to do. We should think about men and women who are carrying on the legacy of that generation of D-day and World War II and Vietnam and Korea and wars before that and after and the obligation we have to be sure that they have every possible advantage in any fight. Frankly, we never want to see Americans in a fair fight; we want it to be an unfair fight. We want those who defend us to have the best weapons, best training, best support, and the best of everything so they have every possible advantage when they do what they are asked to do.

This bill came out of committee with three ''no'' votes. It has strong bipartisan support. It is time to get this work done just as the Senate has done for 54 straight years. This will be the 55th year.

I am particularly glad that this bill takes new steps toward recognizing the sacrifice we ask military families to make. GEN Ray Odierno, the immediate last Chief of Staff of the Army, said that the strength of a country is its military and the strength of the military is its families.

This legislation includes language that Senator GILLIBRAND and I introduced last fall which, for the first time ever, would give families more flexibility if there is a job or educational opportunity for a spouse. Many times, military families are asked to move a little quicker or stay a little longer. If our language is in the final bill and the President signs it, for the first time ever it will allow families—without being questioned in any detail beyond whether they meet the conditions of the Military Families Stability Act—to go ahead and move so the kids can start school on time, or whatever the case may be, and the servicemember would stay or a family could stay a little longer so that their spouse can complete any career obligations they may have so they can continue to do what they do. Too many of our military spouses are unemployed and don't want to be or underemployed and don't want to be because their careers are constantly impacted, and the cost of maintaining two residences that those families now have to bear really makes no sense at all. This bill allows us to move forward on that issue.

The men and women of the Armed Forces, as well as the civilians and contractors who support them, work every day to meet the challenge. They have faced more than 15 years of active military engagements and have made all kinds of sacrifices so we can continue to have the freedoms that we have.

The bill before us also enhances the capability of the military and security forces of allied and friendly nations to defeat ISIL, Al Qaeda, and other violent extremist organizations so they are no longer a threat to us. This bill ensures that our men and women in uniform have the advanced equipment they need to succeed in any future combats. The bill reduces strategic risk to the Nation and our military servicemembers by prioritizing the restoration of the military's readiness so they are able to conduct the full range of all of its activities. We need training dollars, training time, and airplanes that are younger than the pilots who fly them, and this legislation continues to move forward in that area.

It also continues with comprehensive reform for the Defense Acquisition System that is designed to drive more innovation and ensure more accountability to not take more time than it needs to take, but to be sure that everything is being done with the interest of the taxpayers and the security of the country in mind.

Finally, this bill puts the Senate on record again against the President's plan to remove terrorist detainees held at Guantanamo Bay. We apparently need to continue to do this over and over again because somebody is just not getting it.

There was a front page article, I believe in the Washington Post this morning, about the absolute certainty that people who are freed from Guantanamo Bay over and over again reenter the fight and kill Americans and our allies. The people who are there now need to be kept there. The Obama administration itself admitted earlier this year that Americans have been killed by terrorists from Guantanamo. By the way, that admission came just days before another dozen inmates were transferred out of Guantanamo.

According to the Director of National Intelligence, nearly one-third of terrorists who have been released from Guantanamo are either confirmed or suspected to be rejoining the fight, and those were supposedly the detainees who could be released. They were supposedly the least dangerous of the detainees. The people who are there now are clearly understood to be the most dangerous, the most likely to be back in the fight, and the most likely to inspire others to be in the fight.

The number of detainees released under the Obama administration who were suspected of engaging in terrorism has doubled since July of 2015 according to the Director of National Intelligence. The President of the United States supports and appoints the Director of National Intelligence. This is not some outside person suggesting things that the Obama administration wouldn't want to hear. This is their Director of National Intelligence and ours. What we need is a President who has a real plan to defeat terrorism, and while this bill can't ensure that, this bill does provide the tools to defeat current terrorists in the Middle East and continue to secure our liberty.

The No. 1 job of the Federal Government is to defend the country. The No. 1 job of those of us in the Congress is to be sure that those who defend the country have what they need to defend the country and to ensure that those who have served have every commitment that has been made to them fulfilled, and then some.

It is time to pass this bill for the 55th straight year. We need to do what we should do for those who serve and protect us.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to be permitted to engage in a colloquy with the Senator from South Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4229

Mr. MCCAIN. Mr. President, we will have a vote around 11:30 a.m. on my amendment that would increase funding under OCO to address the consequences of an $18 billion shortfall from last year. All the reports we hear from the military are that sequestration is killing them. The mismatch of what we are now seeing in the world as compared with a continued $150 billion less than fiscal year 2011 is putting the lives of the men and women who are serving this Nation in danger.

I am told there will be a lot of people who will vote against this increase to

bring it up just to last year's number—an increase of $18 billion. I say to my colleagues: If you vote no on this amendment, the consequences will be on your conscience. If you ask any leader in uniform today, they will tell you that the lives of the men and women who are serving this Nation in uniform are at risk. I think we have a greater obligation, and that is the men and women who are serving in the military.

The Chief of Staff of the United States Army said: We are putting the lives of the men and women serving in uniform at greater risk. That didn't come from JOHN MCCAIN or LINDSEY GRAHAM. Talk to any military leader in uniform, and they will tell you that sequestration is killing them. Planes can't fly; parts of the military can't train and equip. Only two of our brigade combat teams are fully ready to fight. Look at the world in 2011 when we started this idiotic sequestration and look at the world today.

My colleague serves on the Armed Services Committee and spent about 33 years as a member of the United States military and has been a regular visitor to Kabul and Baghdad. I think he understands that what we are doing with sequestration and voting against this amendment, in my view, is putting the lives of the men and women who are serving in danger. Have no doubt about it. There will be further attacks in Europe, and there will be further attacks in the United States of America. We won't be ready, and the responsibility for it will be on those who vote no on this amendment.

I recognize my colleague.

Mr. GRAHAM. I thank the Senator.

Here is the issue: To those who are a slave to these sequestration caps, to those who believe sequestration and this budget practice we are involved with is going to save the country, boy, I couldn't disagree with you more. We haven't moved the debt needle at all.

Discretionary spending is not the reason we are in debt. We are spending at a 2008 level. So these blind, across-the-board cuts limited to discretionary spending and a lot of programs that are not even subject to sequestration are not moving the debt needle; they are destroying the ability to defend this country.

The theory we are advocating here today is that there is an emergency in the U.S. military that needs to be addressed and we should be able to add money to the U.S. military, the Department of Defense, based on an emergency that is real and not be limited by caps that are insane.

Here is the issue: Is there an emergency in terms of readiness? Is there an emergency in terms of operations and maintenance? Are we putting the ability to modernize our force at risk in an emergency situation because we don't have enough money to fight the wars we are in and modernize the force for the wars to come?

If you don't believe us, here is what the Commandant of the Marine Corps said about the current state of readiness: ''Our aviation units are currently unable to meet our training and mission requirements, primarily due to Ready Basic Aircraft shortfalls.''

I can tell you that in the Marine Corps today, 70 percent of the F–18s have a problem meeting combat status. I can tell you today that the Army is stretched unlike any time I have ever seen. I can tell you today that the Navy is robbing Peter to pay Paul to keep the ships on the ocean, and with the numbers we have in terms of defense spending, they are having to forgo modernization to deal with readiness, to deal with the ability to fight the war. I can tell you that the Commandant of the Marine Corps is going to take six B–22s out of Spain that are used to rescue consulates and embassies that come under attack in Africa because we need those planes to train pilots, and if we don't bring back those planes, we are not going to have an airworthy B–22 force at a time when we need it.

We are creating a hole and a vacuum in our ability to protect our diplomats and U.S. citizens.

Mr. MCCAIN. May I ask my colleague whether he is aware that, at a hearing, General Milley, the Chief of Staff of the U.S. Army, testified that the Army risked not having ready forces available to provide flexible options to our national leadership and, most importantly, risked incurring significantly increased U.S. casualties.

I say to my colleagues who are going to vote against this, you are taking on a heavy burden of responsibility of incurring significantly increased U.S. casualties in case of an emergency. The military is not ready. We are at $100 billion less than we were in 2011 when sequestration began, and the world has changed dramatically.

I can't tell you my disappointment to hear that the chairman of the Appropriations Committee—I don't know if my colleague knows this—said he is going to vote against it, using some rationale that they are increasing it by some $7 billion. That is insane. That is not only insane, it is irresponsible, and most importantly, it is out of touch. I say to my colleague and the chairman of the subcommittee, you are out of touch with what is going on in the world and in the U.S. military. You better get in touch.

Mr. GRAHAM. I will add that anybody who doesn't believe there is an emergency in the U.S. military is not listening to the U.S. military and has not been following the consequences of what we have done over the last 5 or 6 years in terms of cuts to the military.

Over the last 7 or 8 years, we cut $1 trillion out of the U.S. military. We are on track now to have the smallest Army since 1940, the smallest Navy since 1915, and the smallest Air Force in modern times. We are on track to spend half of what we normally spend in time of war. Normally we spend about 4.5 percent of GDP to defend this Nation; we are on track by 2021 to spend 2.3 percent of GDP.

I want to say this: In my view, this is an emergency. I want you to go back home and explain to those who are busting their ass to fight this war, who can't fly equipment because it is too dangerous, who are having to cannibalize planes to keep some planes in the air, who are stretched so thin that it is creating high risk.

Here is what the Chief of Staff of the Army said: ''I characterize us at this current state at high military risk.'' This is the Chief of Staff of the Army telling all of us that the Army is in a high state of risk because of budget cuts.

This $18 billion will restore money that has been taken out. That will have a beneficial effect now and is absolutely essential. It will give us 15,000 more people in the Army. And if you are in the Army, you would like to have some more colleagues because you have been going back and forth, back and forth. So we need more people in the Army, not less.

We need 3,000 more marines. If anybody has borne the burden of this war, it is the U.S. Marine Corps. Here is what I say: Let's hire more marines.

Let's start listening to what is going on in the military.

The whole theory of this amendment is that we have let this deteriorate to the point that we have an emergency situation where we are putting our men and women's lives at risk because they don't have the equipment they need and the training opportunities they deserve to fight the war that we can't afford to lose, and you are going to vote no because you are worried about budget caps.

Oh, we love the military. Everybody loves the military. Well, your love doesn't help them. Your love doesn't buy a damn thing. If you love these men and women, you will adequately fund their needs. If you care about them and their families, you will adjust the budget so they can fight a war on our behalf.

We are up here arguing about everything. The state of politics in America makes me sick. This looks like one thing we can agree on—Libertarians, vegetarians, Republicans, and Democrats—that those who are fighting this war deserve better than we are giving them.

So I want to tell you, when you come and vote against this amendment because you are worried about the budget caps, well, the Budget Committee is not going to fight this war.

To my friends at Heritage Action, I agree with you a lot. You are saying this is a bad vote. Nobody at Heritage Action is going to go over to Afghanistan, Iraq, Syria, or Libya to protect this country.

You talk about a head-in-the-sand Congress. You talk about people who are not listening, who are so worried about special interest groups and concepts that have absolutely no basis in reality.

If you fully implement sequestration, all you will do is gut the military and some nondefense programs that really matter to us. You won't change the debt at all. So don't go around telling people you are getting us to a balanced budget. You are not. The money is in entitlements, and we are not doing a damn thing about it.

Ryan-Murray added some money, and I want to thank him, but it wasn't enough. I want to thank the appropriators for adding $7 billion, but it is not nearly enough. The $18 billion that is in this amendment goes to buy airplanes—14 F–18s, 5 F–35s, 2 F–35Bs. There is $200 million to help the Israelis with their missile defense program.

What this buys is more people, more equipment, more training opportunities at a time when we need all of the above. It breaks the cap because we are in an emergency situation. These caps are straining our ability to defend this Nation. I hate what we have done to the military. This is a small step forward. This is not nearly what we need, but this $18 billion will provide some needed relief to the people who have been fighting this war for 15 years.

I hope and pray that you will start listening to those we put in charge of our military and respond to their needs, and this is a small step in the right direction.

If we say no to this amendment, God help us all. And you own it. You own the state of high risk. If you vote no, then as far as I am concerned, you better never say ''I love the military'' anymore because if you really loved them, you would do something about it.

Mr. McCAIN. I also point out to my colleague that, as a sign of priorities around this place, yesterday we had a vote on medical research—nearly $1 billion that had nothing to do with the military but was a place where the Willy Sutton syndrome took place, and it was a 5-percent increase. The appropriators could increase by 5 percent medical research which has nothing to do with the military, but they won't add money that the military could use to defend this Nation. There is no greater example of the priorities around this place.

I see my colleagues are waiting. I just want to point out what voting no means.

Voting no would be a vote in favor of another year where the pay for our troops doesn't keep pace with inflation or private sector advocates. For the fourth year in a row, the military will receive less of a pay raise than the rate of inflation. If you vote no, that is what you are doing.

If you vote no, it would be a vote in favor of cutting more soldiers and more U.S. marines at a time when the operational requirements for our Nation's land forces for the Middle East, Africa, Europe, and Asia are growing. Every time you turn around, you will see that there are more troops deployed in more places, whether it be Iraq, Syria, Libya, the European Reassurance Initiative. Every time you turn around, there is more deployment—more deployments in the Far East and the Asian-Pacific regions. Every time you turn around, there are more obligations that we ask of the military, albeit incrementally. Yet we are going to cut the funding while we increase the commitments we have. So you would be voting in favor of cutting more soldiers and marines at a time when the operational requirements of our Nation's land forces are growing.

Voting no would be a vote in favor of continuing to shrink the number of aircraft that are available to the Air Force, Navy, and Marine Corps at a time when they are already too small to perform their current missions and are being forced to cannibalize.

We have people who are having to go to the boneyard in Tucson, AZ, and take parts from planes that haven't been operational for years. That is how bad the system has become thanks to sequestration. Our maintainers—these incredible enlisted people—are working 16 to 18 hours a day trying to keep these planes in the air.

When an Air Force squadron came back, of their 20 airplanes, 6 were flyable.

There was a piece on FOX News the other day about how, down in Beaufort, SC, the F–18 squadron—they are having to have a plane in the hangar that they can take parts from so that they can keep other planes flying. They are exhausted. They are exhausted, these young marines. And by the way, don't think they are going to stay in when they are subjected to this kind of work environment.

Voting no would be a vote in favor of shrinking the number of aircraft. They are too small, and their current missions are being forced to cannibalize their own fleets.

Voting no would be a vote in favor of letting arbitrary budget caps set the timeline for our mission in Afghanistan instead of giving our troops and our Afghan partners a fighting chance at victory.

Voting no is a vote in favor of continuing to ask our men and women in uniform to perform more and more tasks with inadequate readiness, inadequate equipment, inadequate numbers of people, and unacceptable levels of risk in the missions themselves. It is unfair to them. It is wrong. It is wrong.

For the sake of the men and women in the military who put their lives on the line as we seek to defend this Nation, I hope my colleagues on both sides of the aisle will make the right choice. For 5 years we have let politics, not strategy, determine what resources we give our military servicemembers. Our military commanders have warned us that we risk sending young Americans into a conflict for which they are not prepared.

I know that the vast majority of my colleagues on both sides of the aisle recognize the mistakes of the past 5 years in creating this danger. This is a reality. This is the reality our soldiers, sailors, airmen, and marines are facing. So I say it doesn't have to be this way. It doesn't have to be this way. And if you vote no, as my colleague from South Carolina said, don't say you are in favor of the military. Don't be that hypocritical. Just say that you are continuing to put the lives of these men and women who are serving in the military, in the words of the Chief of Staff of the U.S. Army, ''in greater danger.'' That is your responsibility. But just don't say—don't go home and say how much you appreciate the men and women in the military, because when you vote no, you are depriving them of the ability to defend this Nation and themselves.

I yield the floor.

Mr. DURBIN. Mr. President, I rise in opposition to the amendment proposed by the senior Senator from Arizona. What it comes down to is that Republicans and Democrats have fundamentally different approaches to providing for our troops, our national security agencies, and our government.

Democrats are committed providing the funds necessary to protect our Nation, grow our economy, invest in research, and shelter the most vulnerable. Republicans have a different approach. They accept massive cuts to almost every agency and only provide defense funding through an accounting trick which the Defense Department's own leadership has rejected as inadequate.

This is a debate about how best to protect our national security. And my Republican colleagues are on the wrong side of it.

Senate Democrats are committed to defeating ISIS on the ground in Iraq and Syria, dismantling its terror network, and protecting our homeland. The only way we can do that is by supporting budget relief for all of our national security agencies, including Homeland Security, the FBI, and many others. Republicans haven't been willing to do that so we must figure out how to allocate funding with the existing budget agreement.

The amendment offered by the chairman of the Armed Services Committee is a return to gridlock. Last year's attempt to provide only the Defense Department with additional OCO funds resulted in a stalemate and a 3-month long continuing resolution. Do we have to repeat this failed strategy again?

The answer is no. The chairman of the Appropriations Committee and I took a different approach in drafting the Defense appropriations bill: no poison pill riders, stick to the budget deal, eliminate wasteful spending proposals, and reinvest in our priorities.

If you compare the results in the Defense appropriations bill to the amendment proposed by the chairman of the Armed Services Committee, here is what you will find: His proposal violates last year's budget deal with $18

billion more in spending. Our bipartisan Defense appropriations bill invests $15 billion in important programs while adhering to the deal.

The pending amendment relies on an OCO gimmick to authorize increases for Israeli missile defense programs. However, every cent requested by the Israeli Government, all $600.9 million, is funded in the Defense appropriations bill without using OCO funds.

This amendment authorizes OCO funding for a littoral combat ship and a DDG–51 destroyer. This would be the first time that OCO funds would be used to buy ships for the Navy.

The appropriations bill goes even further in supporting shipbuilding by providing $1 billion for a new icebreaker to support our Arctic strategy, an item not included in the pending amendment.

The amendment also adds various aircraft—more F–18s, F–35s, C–130s, helicopters, and so on—that are also funded in the Defense appropriations bill without running up the Nation's OCO charge card.

The bottom line is that, in the Defense appropriations bill, we were able to fund most of the items in Senator MCCAIN's OCO gimmick amendment, but we were able to it within the budget caps. It wasn't easy, but we made it work.

I would prefer that we find a way to increase both defense and nondefense funding so we can invest more in all of the agencies that work together to keep America safe.

The Reed amendment does exactly that. It amends last year's budget deal to include $18 billion more for defense and $18 billion more for important nondefense programs.

The Reed amendment includes $2 billion more to address cyber security vulnerabilities to stop the type of attacks that resulted in the theft of millions of personnel records from the Office of Personnel Management. It includes $1.4 billion for more law enforcement efforts, including more security screeners at airports, more FBI agents and police officers on the street, and more grants to State and local first responders.

The Reed amendment addresses public health emergencies, including $1.9 billion for the response to Zika. It also provides $1.9 billion to fix our broken water infrastructure, which would help ensure we don't face another lead contaminated water crisis like what happened Flint, MI.

Finally, the Reed amendment includes $3.2 billion in funding to address infrastructure problems at VA hospitals, fix our roads and bridges, and invest in our rail and transit systems.

Last year, Congress voted to provide fair and balanced relief to our Defense and our nondefense agencies. The Reed amendment is consistent with that agreement, and it deserves our support.

In conclusion, we should be supporting all of our national security agencies as they work to protect this Nation, including cyber security, homeland security, and local law enforcement, the FBI, and TSA.

We also should support critical issues like the opioid epidemic, water infrastructure, the Zika outbreak, and research across the Federal Government among other items.

I urge my colleagues to support Ranking Member REED's amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

UNANIMOUS CONSENT REQUEST—PRESIDENTIAL NOMINATION

Ms. HEITKAMP. Mr. President, I ask unanimous consent that the Senate proceed to executive session and the Banking Committee be discharged from consideration of PN1053, the nomination of Mark McWatters for the Board of Directors at the Export-Import Bank; that the Senate proceed to its consideration and vote without intervening action or debate; that if confirmed, 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 to the nomination; 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. Is there objection?

Mr. SHELBY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Ms. HEITKAMP. Mr. President, we would like to engage in a discussion of what this means to American workers, to American exports, and to American manufacturing. I think we have worked very, very hard over the last several months to try and move this nomination forward. We fought this fight. Many appearing with me today fought this fight, whether it was on TPA or whether it was just simply trying to get reauthorization of the Ex-Im Bank advanced and furthered.

We won this fight. Today we are losing the fight again by this restriction, by this inability to move this nomination forward. So we want to talk about this today. I am going to yield to several of my colleagues here for their short comments. We will start with Senator SCHUMER who has a commitment with the Judiciary Committee.

Mr. SCHUMER. Mr. President, I want to thank my dear friend, the Senator from North Dakota, for her leadership on this issue, as well as our two great Senators from the State of Washington, MARIA CANTWELL and PATTY MURRAY.

I support my colleague from North Dakota and echo her comments. We should have a full complement of Board members at the Ex-Im Bank and, at the very least, they must have enough to reach a quorum and continue to conduct its business. I also want to thank my three colleagues who are here for their tireless efforts to get the Ex-Im Bank reauthorized last year. The legislation to reauthorize was carried by the Senator from North Dakota, as well as Senators CANTWELL and MURRAY, after Republican obstruction caused it to lapse for the first time in its 80-year history.

What a shame it was that it lapsed. The Ex-Im Bank is one of the key tools in our toolbox for supporting and growing manufacturing jobs across the country. We talk about increasing good-paying manufacturing jobs. Both sides of the aisle do that regularly. Then, when it comes to supporting the Ex-Im Bank, they obstruct one of the best tools we have. They vote no. Now they have found a clever way to stop it from working, because it won't have a quorum.

The Ex-Im Bank provides necessary financing for domestic manufacturers to compete with foreign companies that are heavily subsidized or are owned entirely by their government and simply to have access to their own domestic import bank. To purposefully prevent the Ex-Im Bank from being able to properly function is like having America unilaterally disarm in the global competition for exports and good-paying manufacturing jobs here at home.

But there are a small band of folks—ideologues—so ideologically opposed to the Bank that they will do anything to see that it can come to a screeching halt. They will use every trick in the book to do it. That is what they are doing now. Opponents of the Bank are hamstringing the agency by denying it the staff it needs to operate.

We are losing $50 million a day in exports. Some of these come from my home State of New York. We have not only GE, which makes turbines, a large percentage of which are exported. They are losing business to Siemens and other foreign companies.

We have lost some little companies that depend even more on the Ex-Im Bank because it gives them the ability to find markets overseas. So I don't want to hear my colleagues on the other side of the aisle talk about how they care about jobs, how they care about building America and building our exports, as long as they continue to play this trick and hamstring the Ex-Im Bank from functioning. Mr. President, as I said, I rise today to support my friend and colleague the Senator from North Dakota and echo her comments: We should have a full complement of Board members at the Ex-Im Bank, and at the very least they must have enough to reach a quorum and continue to conduct its business.

I also want to thank her for her tireless efforts to get the Export-Import Bank reauthorized last year. The legislation to reauthorize the bank was carried by the Senator from North Dakota and several other colleagues of ours, like Senators CANTWELL and MURRAY, after Republican obstruction caused it to lapse for the first time in its 80-year history.

And it was a shame that it ever lapsed.

The Ex-Im Bank is one of the key tools in our toolbox for supporting and growing manufacturing jobs across the country. It provides the financing necessary for domestic manufacturers to compete with foreign companies that are heavily subsidized or owned entirely by their governments or simply have access to their own domestic Ex-Im Bank.

To purposefully prevent the Ex-Im Bank from being able to properly function is like having America unilaterally disarm in the global competition for exports.

But there is a small band of folks who are so ideologically opposed to the bank that they will do anything they can to see it come to a screeching halt. And they will use every trick in the book to do it.

That is what we are seeing now.

Opponents of the bank are hamstringing the agency by denying it the staff they need to operate.

Right now, the Export-Import Bank is unable to approve any of the financing deals over $10 million because the Bank only currently has two members serving on its five-member board.

This is a problem because the Board needs at least a quorum of three to approve financing for large deals.

But the Banking Committee has so far refused to even consider a third nomination to the Board of the Export-Import Bank and has given no indication that it even plans to hold a hearing on the nomination any time soon.

It can't be because the chairman opposes the nominee's politics or views—the nominee is a Republican, irony of ironies. The President has put forward Mark McWatters, a former staffer for Republican HENSARLING, the Republican Chairman of House Financial Services.

The delay on the nomination has nothing to do with the nominee or his qualifications and everything to do with keeping the Ex-Im Bank from doing its job.

The delay, as Senator HEITKAMP pointed out, has real consequences:

30 major projects in the pipeline valued at more than $10B are now mired in uncertainty.

The Peterson Institute estimated that each day the confirmation is delayed, the US is losing $50 million in exports.

This impacts major companies in my home State of New York like GE, which makes turbines near Schenectady and employs over 7,000 folks in the Albany area alone.

GE not only employs thousands of people in my state, it supports an entire supply chain in the capital region. So when a contract or sale abroad is not approved or bids are not even sought because of the uncertainty surrounding the Ex-Im Bank, there is a real cost to the economy.

I understand there are those on the other side of the aisle, including the distinguished chairman of the Banking Committee, who oppose the very existence of the Export-Import Bank.

But the fact of the matter is the Bank exists. The full Senate voted to reauthorize it. And it is our jobs as legislators to ensure that government agencies have the staff they need to do the job we ask them to do.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am here today to support the strong statement from the Senator from North Dakota and the strong support for a fully functioning Export-Import Bank because it creates American jobs and helps our businesses, large and small, and, in fact, reduces our national debt. But right now, political posturing has handicapped the Ex-Im Bank, one of our countries most reliable tools to increase America's economic competitiveness in our global economy.

In my home State of Washington, there are nearly 100 businesses, the majority of them small or medium-sized, that used the Bank's services last year to help sell their products overseas. We are talking about everything from apples to airplane parts, beer, wine, software, medical training supplies, and beyond.

The reality is that people in other countries want American-made products. That is a great thing because these businesses support tens of thousands of jobs in our country and keep our economy moving.

The Export-Import Bank is the right kind of investment because it expands the access of American businesses to emerging foreign markets that create jobs right here at home.

Do you know what it costs taxpayers? Not a single penny. In fact, the Ex-Im Bank reduces our national debt.

So here is the bottom line. The Bank creates jobs. It strengthens our businesses. It helps our economy grow from the middle out, not just the top down.

So it is time for my colleagues to put ideology aside, to allow this proven program to operate at its full capacity, and to allow a vote that we were denied today to get the Ex-Im Board operating again because it is critical that the Bank continue to receive the strong bipartisan support we have seen in the past as we work to build on its success.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I join my colleagues this morning on the Senate floor in an effort to wake up the Senate to the fact that, without action by this body and specifically the Senate Banking Committee, Members are literally supporting shipping jobs overseas. I believe in a manufacturing economy. I believe in a manufacturing economy because so many people in the State of Washington work in manufacturing and because aerospace is an industry in which the United States is still a world leader.

Yet, by not filling the board of the Export-Import Bank we are putting the Bank out of business when we should be making sure that it can issue credit for manufactured U.S. products to be sold in overseas markets.

Why is manufacturing so important? Manufacturing is important because it pays a decent wage. It allows American workers to go from working class to middle class. It helps secure jobs in our economy that are stable for families who are sending their kids to school, and because it helps people move up to a better quality of life.

I am competitive in general. I don't want to lose a manufacturing base. But I also don't want to lose a middle class. What has happened is that the conservative views of the Heritage Foundation have thwarted the Export-Import Bank, and U.S. manufacturers have decided to put their manufacturing overseas. Think about it. How long is a company or a business going to put up with the fact that they don't have an export credit agency here in the United States?

Now, can a big manufacturer get its own credit? Sure it can. Sure, it can go and get credit. But can you ask it to sell in a global market? I will give you an example of a manufacturer in our State, SCAFCO, which sells manufactured grain silos to many countries in South America, in Africa, in Asia, and all across the world. Do you think they are going to finance every single deal they do? No, because they have to put money into their manufacturing facilities so they can stay competitive, and so they can have the best silos being produced.

So if they limited their business to only deals they could finance, they would have very limited business. Think about it. Whom do we make that requirement of? It is the customer who is buying the exported product who needs the business to get credit. It is the customer who is out there that wants to purchase what are great U.S. products who is having trouble. Think about it. You could be a small African nation trying to change your economy toward agriculture or you could be a small Asian country that is trying to upgrade the quality of life.

It could be, just as Prime Minister Modi said yesterday, that they want to diversify their energy portfolio. Well, guess what? We are holding that up and not allowing all of those countries to buy U.S. energy products simply because we refuse to have a working board at the export credit agency. How ludicrous is that? It is so ludicrous, because what happens if a U.S. manufacturer—an aerospace manufacturer like Boeing for example—wants consumers to buy GE engines and make sure that a South American company purchases U.S. manufactured Boeing and GE engines?

Well, they can go and purchase Rolls-Royce engines instead, and the European credit agency can fund the deal. Now, what has happened? GE has lost out on deals. Do you think all of those U.S. manufacturers are going to stay in the United States if there is no way to have credit financing? No—they are

going to go where credit financing exists. So, by not moving forward on a fully functioning export credit agency in the United States, all you are doing is helping to ship jobs overseas. It has to stop.

We make great products in the United States. We are competitive. Our workforce is skilled. I will be the first to say that we need a more skilled workforce. I am all for providing our workforce with education and skills and every resource our country has because innovation is our competitive advantage.

But if we make great products and then we hamstring the financing of those great products—developing countries don't have the same banking and financial tools and edge that we have in the United States—you are basically saying: We are not going to sell our products.

I am a big proponent of winning in the international marketplace. I am a big proponent of saying that the middle class is growing around the globe, and one of the United States' biggest economic opportunities is to sell products to that middle class outside of the United States. That rising middle class means they can purchase more U.S. products. Well, they can't if we don't have a credit agency that finances exports. So why are we down here this morning as it relates to the Defense bill that is now being discussed?

Well, we are here because there are more than $10 billion of deals and transactions that are in the Export-Import Bank pipeline. Yesterday, Prime Minister Modi was here. The Indian Government has announced that Westinghouse would finalize contracts with the Nuclear Power Corporation of India to build six nuclear reactors by 2030. Well, those deals won't get done if you don't have an export credit agency to finance those deals.

The United States Senate is currently considering the National Defense Authorization Act. Last month, the Aerospace Industries Association and the National Defense Industrial Association wrote letters to Senate leadership urging them to make sure that we had a functioning bank. They pointed out that without a quorum, multimillion-dollar exports of aircraft, satellite, and other things won't get done.

So we just had this little argument on the Senate floor about how we are going to pay for things in the Defense bill and whether we are going to have balance with our other domestic spending. By not supporting and moving forward on the export credit agency, you are also making defense in the United States more expensive. You are making our security more expensive because you are not allowing that same technology—that we have decided meets our export controls, but we are willing because these are partners of ours—to sell that defense. You are making that difficult.

Mr. President, I ask unanimous consent to have printed in the RECORD this letter from the Aerospace Industries Association and the National Defense Industrial Association, basically saying you are making it more expensive for us to do business as a country in defense because you also will not allow the export of this product.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AEROSPACE INDUSTRIES ASSOCIATION, NATIONAL DEFENSE INDUSTRIAL ASSOCIATION,

May 17, 2016.

Hon. MITCH MCCONNELL,
Senate Majority Leader, U.S. Senate, Washington, DC.

Hon. HARRY REID,
Senate Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATE MAJORITY LEADER MCCONNELL, AND SENATE MINORITY LEADER REID: On behalf of the American aerospace and defense industry and our dedicated workforce, we are writing to urge Senate hearings and confirmation on the nomination of J. Mark McWatters to the Board of Directors for the U.S. Export-Import (Ex-Im) Bank. If his nomination is successfully approved, a fully functioning bank will play an important role in leveling the playing field for U.S. exports, creating new opportunities for U.S. companies, and strengthening our strategic alliances throughout the world.

Last year, we were heartened to see a bipartisan, bicameral supermajority vote overwhelmingly in favor of long-term reauthorization of the Ex-Im Bank. However, the Bank remains effectively inoperable for large-scale export activities. While the Bank is accepting new applications, the Bank's Board of Directors must have a quorum to act on transactions valued at $10 million or more. In the absence of a quorum, potential multi-million dollar export sales of aircraft and satellites are at risk, hurting not only major manufacturers, but the small and medium-sized companies that support them.

The global market is fiercely competitive. U.S. manufacturers need fair trade policy measures to level the playing field. Other countries are aggressively utilizing their Export Credit Agencies (ECAs) as a tool to advance their national trade interests, and availability of financing (instead of the quality of products) is a key discriminator if we do not have our own ECA. Our competitors also enjoy a greater range of support from their ECAs, including—but not limited to—a broader scope of programs.

Without the Bank supporting some of these investment-heavy exports, U.S. industrial production will decline, reducing revenue, innovation, and high-skilled, high-wage jobs throughout the aerospace and defense supply chain. The fact that this will lead to higher unit costs for the military systems our armed forces buy seems to be dismissed or ignored. Also, we are only now recovering lost capacity and market share in the commercial satellite market caused by over-restrictive export controls, which had a similar detrimental impact on our national security space industrial base.

In addition to supporting U.S. export sales, the Bank is an important foreign policy tool for the U.S. government as it bolsters American presence and influence abroad. By developing closer economic ties to other countries, we enhance not only our economic power, but also our national security. Countries which engage in close trading and commerce with each other increasingly align around common interests in global stability and security.

The Board is instrumental to the agency's day-to-day operations, since it manages the Bank's reforms and approves its transactions. The long-term reauthorization approved by Congress in 2015 contained risk-management provisions that require action or approval from Ex-Im Bank's Board of Directors in order to be implemented, including the appointment of a Chief Ethics Officer and the establishment of a Risk Management Committee. The agency cannot implement those provisions—or consider any other reforms—without a quorum. We urge the Senate to move swiftly on the pending nomination for the Ex-Im Bank's Board of Directors.

Sincerely,

DAVID F. MELCHER,
Lieutenant General, USA (Ret.), President & CEO, Aerospace Industries Association.

CRAIG R. MCKINLEY,
General, USAF (ret), President & CEO, NDIA.

Ms. CANTWELL. Mr. President, I am on the floor with my colleague from North Dakota because we feel passionately about this issue. We are frustrated with the shenanigans that have gone on with the export credit agency. I say ''shenanigans'' because for a long time people said: Oh, well, there aren't the votes. We can't get this done. We don't have the votes.

Well, when you lift the veil behind some very conservative, threatening tactics, there is majority support, in both the Senate and the House of Representatives, for this export credit agency.

Now, one committee is trying to bottle up a nominee—if he doesn't like the nominee, come up with a different name. Come up with two names. Who cares? But what really is happening is that those on the other side of the aisle are enabling one individual to thwart the biggest manufacturing economic opportunity our country has to secure manufacturing jobs in the United States of America. Let's build great products. Let's have a credit agency that can finance deals to developing nations, and let's get those countries buying U.S. products. Why on Earth are we continuing these shenanigans so somebody can say to the Heritage Foundation: I got you one more trophy for your shelf.

That is not what America is about. America is about competing, succeeding, and growing economic opportunity.

I thank my colleague from North Dakota for her leadership on the Banking Committee in trying to move this effort forward and all of my colleagues who care about manufacturing who are willing to come to the floor and make this point.

Time is running out this session, before the summer recess, for us to get this done. It is time to get it done.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. I say thank you to my colleague from Washington.

Mr. President, the level of frustration we have over this issue is unparalleled. We hear platitudes in the Senate.

They usually start with: We believe in the will of the people. Let's do the will of the people.

Guess what. We had this debate. We had the debate about whether we should have an entity called the Export-Import Bank. We had that debate. It was long fought. We shut down the bank for the first time in 60 years. We shut down the bank, stopping exports for the United States of America, costing jobs in the United States of America.

We won that fight, and we didn't win it by a little. We didn't win it by just a margin. We won supermajorities—supermajorities—in the Senate and supermajorities in the House. When we were told the House would never pass a stand-alone bill, they passed a stand-alone bill by 70 percent—70 percent—of the vote.

Doesn't that tell you the people of this country should have a vote through their elected representatives? Today do you know what is stopping that vote, the will of the people to have this entity, beyond all of the arguments for why this entity is critically important? One person—one person, for whatever reason.

This is why people have lost faith with their government. This is why people don't believe we can get anything done here anymore—because even though we fight the fight, even though we win the fight, we don't win the fight because we need a quorum at the Bank to do any deal over $10 million.

We have a nominee. You must say: Well, it must be a raving liberal, right? This nominee? No, it is the Republican nominee who represented and worked for one of the most conservative Members—in fact, an anti-Export-Import Member of the House of Representatives. That is our nominee. There is nothing wrong with this nominee. It is not our side who is debating the legitimacy of a Republican nominee. It is not our side.

How do we believe in manufacturing, believe in the American dream, and believe we can be part of a global economy, when 95 percent of all potential consumers in the world—guess what. They don't live here.

If we are going to be competitive, if we are going to be participating in that global economy—which we must—then we must be competitive. We cannot be competitive without an export credit agency. It is just that simple, and we are not going to be competitive. So don't say you are for trade or manufacturing, when you are not willing to take a risk because some ideologue on the other side has decided that is a black mark.

Earlier, Senator MCCAIN made a passionate plea and Senator LINDSEY GRAHAM talked about Heritage. Who is running this place? When the Heritage Society can stop a deliberation by simply putting a checkmark next to a piece of legislation and when once again we have this being held up in the backrooms of the Senate—not openly, but in the back rooms—who is running the place and who really believes in trade? Who really believes in manufacturing? Who really believes in the middle class?

I will tell you, my passion on this doesn't just come because I think it is a horrible trajectory for the future, for the future of our American economy, my passion on this comes when I hear stories. These are real. They are not pretend stories. When I hear stories that ''We are going to take our manufacturing out of this country.'' We are going to lose jobs, and we are going to lose those jobs very quickly. In fact, when we shut down the Bank, we already lost jobs—but we are going to lose jobs.

Do you know what I think about? Because this is where I live. This is where I am from. I think about that factory worker on the floor of that manufacturing facility being given a pink slip and being told his job is going overseas, her job is going overseas because they have a better business climate.

Think about that. You have a good job, providing for your family, believing you are doing everything right, and because of a simple glitch here, because of, really, one person, that person is getting handed a pink slip. Where is the accountability for that? Where is the accountability to that family? When are we going to learn that it is this disruption in American lives that has cost this body and this Congress its reputation for no good reason?

I wish to close before I turn it over to my colleagues with just a couple of statistics because, quite honestly, I get sick and tired of the characterization that this only applies to large facilities like Boeing, GE, and Caterpillar. I am tired of that. Let me tell you. In North Dakota, we have 16 suppliers. These are small businesses. These are people who have done creative things in an environment that you wouldn't think would be successful. They are suppliers to Boeing. What happens when Boeing cannot do a deal? What happens when Boeing moves their operation someplace else and the requirement is that those parts be manufactured in that country? What happens? Guess what. Those 16 manufacturers are injured. Those 16 manufacturers have their lives disrupted, through no fault of their own, not because they didn't produce a quality product, not because they didn't do everything they needed to do to be successful.

Just last week, the Wall Street Journal reported that 350 high-paying American manufacturing jobs are headed to Canada. That is a direct result of the last reauthorization back in 2015. I think we can clearly expect many more of these stories. I would ask my colleagues: Who is going to go to that manufacturer or worker? Who is going to talk to the children who now have a father who no longer has a job or a mother who no longer has a job and say: Because someone told me, I am not going to do it. I am not going to support you. I don't represent you. I represent an ideology here.

This is a tragedy at so many levels. I guess I naively thought, when you win, you win, and when you win by big majorities, you ought to win for at least more than a day.

I stand ready to fight this fight. I stand ready to attach and do everything I can to either get this nomination or to get a patch or legislation that will, in fact, provide opportunities for the Bank to function. I will do everything I can because when I go to bed at night, I don't think about the Boeing and the GE executives. That is not whom I think about. I think about that person on the factory line who is working every day putting food on the table for their children and how this dysfunction here is costing them their livelihood and their security. That is a tragedy we can't ignore.

Mr. President, I yield the floor to my colleague from Indiana.

Mr. DONNELLY. Mr. President, I echo the words of my colleague from North Dakota.

I have 6.5 million bosses in Indiana. These think tanks out here, these other organizations, they are not my boss. That family who wants to make sure there is a paycheck coming into the house, and all mom and dad wants is a chance to go to work, they are whom we should be working for—for the same people my colleague from North Dakota works for in Bismarck, in Fargo, in Muncie, in Richmond, in Maryville, in Lafayette, and all of these suppliers around my State whose jobs are dependent on these export opportunities that we are walking away from by standing against the Export-Import Bank.

Here we are again, on the floor of the U.S. Senate, talking about our responsibility to do our job and to consider the President's nominees to important Federal offices. The nominee we are talking about, Mark McWatters, is a Republican nominee for the Board of Directors for the Export-Import Bank, and we are all lined up on this side to support him. It is the official export credit agency of the United States. It helps American companies—so many in my State of Indiana—create jobs, an opportunity, and a chance for people to go to work, put a roof over their kids' heads, to be able to retire with dignity, and to be able to compete in a global economy.

That is what this is about. Every other country you look at has one of these export-import banks. It is helping their organizations, their businesses, and their countries compete.

Each of us speaking today worked closely with Senator HEITKAMP last year to reauthorize the Bank. It was a strong, overwhelming bipartisan vote in support of reauthorization. It demonstrated the need for this entity that helps create American jobs at no cost to taxpayers and, in fact, sends money back to the Treasury.

In 2014, the Ex-Im Bank supported 164,000 American jobs. That is 164,000 moms and dads who are able to have dignity, a job, take care of their children, and be a tremendous credit to their community. That is what this is about; $27.5 billion in exports and it returned $675 million to the U.S. Treasury. It creates jobs, reduces the deficit, and spurs economic growth. Despite widespread support, our inaction here keeps the Bank from being in operation. In order to approve certain financing, the Bank needs a minimum of three Senate-approved Board members. We have two.

McWatters' nomination has been pending in the Senate Banking Committee for 5 months. All it takes is a vote. Requests to confirm the nominee by unanimous consent have been rejected.

American companies are struggling to compete against foreign competitors that benefit from currency manipulation, illegal trade, intellectual property theft, and other foreign barriers. Yet a handful of Senators are making life more difficult by not considering this nomination. If we are not willing to stand up for our own companies, for our own workers, then what are we doing?

It is disappointing that an important tool for economic growth isn't being utilized simply because some in the Senate refuse to do our job. The American people expect better, the American people deserve better, and the workers of this country deserve better.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, what my distinguished colleagues from North Dakota and Indiana are proposing is to unleash the Export-Import Bank from the constraints under which it currently must operate and to begin authorizing transactions above $10 million. Between 2007 and 2014, 84 percent of the Bank's subsidy and loan guarantee deals exceeded $10 million—84 percent—and the vast majority of those were given to the wealthiest, most well-connected businesses in America that should have no problem at all obtaining financing in the open market.

The Export-Import Bank represents so much of what the American people resent and despise about Washington, DC. This is a Great Depression era relic, one that lives on today and has grown into one of the most treasured relics for favoring banks. It is a favored relic for well-heeled lobbyists, big government, and politically favored businesses. It is an 82-year-old case study in American corporate welfare, and for some reason this Senate continues to support it.

Ex-Im has managed to live through more than 30 corruption and fraud investigations into its system of doling out taxpayer-backed subsidies and loan guarantees to foreign buyers of U.S. exports. In 2013, for half of the financing deals within the Export-Import Bank's portfolio, Ex-Im was either unable or unwilling to provide any justification whatsoever connected to its mission. That is $18.8 billion in estimated export value that apparently had no connection to Ex-Im's mission or, if it did, Ex-Im didn't bother to offer that up.

Many of Ex-Im's supporters claim the Bank's main function is to support small business. That sounds nice, but the problem with it is that this claim doesn't stand up to even a modest amount of scrutiny. Look at the institution's track record. Only one-half of 1 percent of all small businesses in America benefit from Ex-Im financing—one-half of 1 percent. And even that tiny figure may well be an overestimation, may well overstate the case, because Ex-Im uses such a broad definition of the term small business.

Confirming this nominee would allow Ex-Im to return to its old ways of approving massive financing deals for the largest corporations, in coordination with the largest banks, all with the backing of American taxpayers.

Permanently ending the Export-Import Bank would be a small but important and symbolic step toward restoring fairness to our economy and fairness to our government. It would prove to the American people that their elected representatives in Congress have the courage to eliminate one of the many Federal programs that foster cozy relationships between political and economic insiders, providing a breeding ground for cronyism and for corruption. So long as this Senate remains unwilling to close Ex-Im, we should, at the very least, make sure it does not have the ability to further advance its cronyist agenda.

If you want to talk about harming competitiveness, let's talk about that. If we want to have that discussion, let's have that discussion now. If you want to know what harms competitiveness in America, including and especially the kind of competitiveness that has tended to foster the development of the greatest economy the world has ever known—the kind of competitiveness that makes it possible, where it exists, for small businesses to make it onto the big stage—let's look at Federal regulations.

Federal regulations are a big deal in this country. I remember being appalled 20 years ago to learn the Federal regulatory system was imposing some $300 billion a year in corporate compliance costs—regulatory compliance costs. Those regulatory compliance costs might be borne immediately and initially by big corporations, by small corporations, mostly by businesses, but you know who pays for it? Hard-working Americans. In fact, some have described this effect as sort of a backdoor, invisible, and very regressive tax on the American people.

So when I first learned of this problem, I started thinking of it this way. This is an additional $300 billion a year the American people are essentially paying into the Federal Government because everything they buy—goods and services—becomes more expensive. They also pay for it in terms of diminished wages, unemployment, and underemployment, but they do pay for it. And they pay for it disproportionately at the middle and at the low end of the economic spectrum in America.

Unlike our actual tax system—our visible tax system—which is highly progressive, our backdoor invisible tax system—our regulatory system—is highly regressive. Some have estimated this regulatory compliance cost—just complying with Federal regulations—today costs the economy some $2 trillion a year, meaning this has multiplied roughly sevenfold just in the last 20 years.

If you don't think that is a significant impediment to competitiveness in America, I don't know what is. This is a problem. And some have estimated that each and every American household pays some $15,000 more each year for goods purchased simply because of Federal regulations. This hurts competitiveness. So do our high tax rates; these harm competitiveness.

So I stand with the senior Senator from Alabama and I support him in his objection.

I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Mr. President, will the Senator from Utah yield for a question?

Mr. LEE. Yes.

Ms. HEITKAMP. Mr. President, I share my colleague's concerns about overregulation and the burden of regulation. I have been fighting regulation that makes no sense here in Congress, and so I agree with him. But that is not what we are talking about today. We are talking about the Export-Import Bank.

I would ask my colleague: What percentage of all transactions at the Export-Import Bank goes to small business, as defined by the Bank?

Mr. LEE. Mr. President, as my colleague is asking the question, I assume she has the answer.

Ms. HEITKAMP. I do.

Mr. LEE. And I am sure she is prepared to tell us that.

Ms. HEITKAMP. Well, obviously, I do want to maybe make some points that are contrary to some of the discussion that my colleague just had.

Ninety percent of all Ex-Im transactions are with small businesses that are under $10 million. The amount of transactions over $10 million is huge, I will give you that. But, again, we talk about the supply chain that goes into those transactions over $10 million.

The Peterson Institute recently estimated the United States is losing $50 million in exports each day this nomination is not confirmed.

We have had disagreements with the Senator from Utah over the Ex-Im Bank—disagreements we debated when

we reauthorized the Bank. So I would ask the Senator from Utah: Why not move the confirmation of McWatters to the floor so my colleague can have a full-throated debate about the Bank? Why not have a full-throated debate instead of hiding that nomination in the Banking Committee and using that structure to thwart what in fact a majority of both bodies of the Congress and the President have done when they reauthorized the Bank?

Mr. LEE. I am grateful to respond to both points made by my distinguished colleague, the Senator from North Dakota.

In the first place, as to the need to have a full-throated debate, I welcome that. That is exactly what we need. It is what I have been wanting to have for a long time. But last year, instead of having a full-throated debate specifically about Ex-Im, we saw Ex-Im attached to a much larger package—a much larger package that a lot of people were determined to support, regardless of what else was in there. So a lot of people voted for that package, regardless of how they might feel about the Export-Import Bank. But as for a full-throated debate, yes, that is exactly what we need. We would get that if we could actually debate the reauthorization of Export-Import on its own merits, as we should have done last year. We were deprived of that opportunity, so now we are using every opportunity we can to have a real full-throated debate. That is why we are doing this. That is exactly the reason we need to do that.

As to the figure the Senator cited with respect to the percentage of loans going to small business, sure, if one wants to talk about the number of actual loans made, one can make that number look pretty good. But look at the number that I think is more significant: Only one-half of 1 percent of all small businesses in America actually benefit from Ex-Im financing. That is a pretty significant deal when one looks at how much of the lending authority in the total dollar amount the Export-Import Bank supplies to larger businesses and to businesses, regardless of their size, that could in fact obtain financing in the open market.

Again, we are not back in the Great Depression anymore. This is a Great Depression era relic. So regardless of what my colleague may think about the Great Depression era dynamics at play that caused those serving in this body and the House of Representatives in the 1930s to put this program in place, we have other challenges today. And many of those challenges are created by the government itself—by the government being too big a presence within our marketplace, inuring ultimately to the benefit of big business and harming everyone else.

Ms. HEITKAMP. Mr. President, I see other colleagues here ready to make presentations, but I just want to make two final points.

If my colleagues want a full-throated debate, then move the nomination onto the floor and out of the committee. Let's have the debate. My colleagues are using the nomination to reemphasize and relitigate the Ex-Im Bank. Let's do it.

In the meantime, let's appreciate that, in spite of everything that is being said here, we need the Bank to be competitive. We need the Bank to make sure that we can, in fact, manufacture in this country. And that is something that gets lost in all the rhetoric.

I think one of the things we have an obligation to think about is all those jobs that are going to go someplace else and all those Americans who are going to stand in the line for unemployment benefits and who are going to get their pink slips. And who in the U.S. Senate wants to line up at the factory door as they are walking through the last time and shake their hand and say: You know, too bad you lost your job.

So I yield the floor, and I intend to have further debate about the Export-Import Bank.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I would note that Senator KLOBUCHAR is here and she, I believe, wanted to participate in the discussion about the IMF, but we shortly have a vote, and we would very much like to proceed. The majority leader is here also.

I am prepared to speak now on the pending Reed amendment that we are going to go to a vote on at 11:15.

Ms. MIKULSKI. We need to talk on the bill.

Ms. KLOBUCHAR addressed the Chair.

Mr. REED. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. REED. I yield the floor to the majority leader.

The PRESIDING OFFICER. The majority leader.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 120, H.R. 2578.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 120, H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 120, H.R. 2578, an act making appropriations for the Department of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, John Cornyn, Mike Crapo, Richard C. Shelby, Richard Burr, Daniel Coats, Ben Sasse, Roger F. Wicker, Thom Tillis, Steve Daines, Chuck Grassley, Susan M. Collins, Thad Cochran, James Lankford, Lamar Alexander, John Hoeven, Roy Blunt.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. MCCONNELL. I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017—Continued

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 4549

Mr. REED. Mr. President, I would like to make some brief remarks with respect to the Reed amendment that is pending, before our vote. Senator MIKULSKI would like to also, and I note the chairman is here. But I ask unanimous consent that when I finish my brief remarks, Senator MIKULSKI be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. I thank the Chair.

Mr. President, we have had a very extensive and very thoughtful debate about the underlying amendment by Senator MCCAIN to increase OCO spending by $18 billion strictly for Department of Defense operations and functions, and those are very critical and very important.

There have been two principles we have followed over the last several years when it comes to trying to push back the effects of sequestration. Those principles have been that the security of the United States is significantly affected by the Department of Defense's operations, but not exclusively. Indeed, there are many functions outside the parameters of the Department of Defense that are absolutely critical and essential to the protection of the American people at home and abroad: the FBI, the Department of Homeland Security, the CDC. So that has been one of the principles. The other principle we recognize is that that in lifting these temporary limits, we have to do it on an equal basis.

What the amendment Senator MIKULSKI and I have offered does is embrace

these two principles. We would add an additional $18 billion to the chairman's $18 billion. That would encompass the broader view of national security, and do so in a way that I think is very sensible, and allow us to go forward as we have in the past.

All of us recognize the extraordinary sacrifices made by the men and women of our Armed Forces and the fact that they continue to serve as the frontline of the defense in so many different aspects. But we also recognize that defending our interests means agencies outside the Department of Defense—the State Department, Homeland Security—that have absolutely critical and indispensable roles in our national security.

Reflecting on the comments before about the potential for incidents both here and abroad, if we go back to 9/11, that was not a result of a failure to have trained Army brigades or marine regiments or aircraft carriers at sea; that was a deficiency in the screening of passengers getting on airplanes; that was a failure to connect intelligence that one FBI office had that was not shared effectively. Those threats to the United States will not be directly remedied even as we increase resources to the Department of Defense. Resources have to go to these other agencies as well. I think that is something we all recognize, and that is what is at the heart of what we are doing.

In addition, over the last decade we have seen a host of other threats, particularly cyber threats, which were rudimentary back in 2001, 2002, and 2003. Now we see them as ubiquitous—not rudimentary—and threatening and with an increasing sort of sophistication.

I recall that in a hearing Senator COLLINS and I had with the Department of Transportation and the Department of Housing and Urban Development, we asked the IG: What is the biggest issue that you think is facing your Departments right now? Both said it is the issue of cyber security—protecting the data we have, protecting the records we have, protecting ourselves from being an unwitting conduit into even more sensitive government systems.

So within our amendment, we propose significant resources for cyber protections throughout the Federal Government—Homeland Security, Health and Human Services, Housing and Urban Development, et cetera. These are essential, and I think the American people understand that.

We also understand that our infrastructure is critical to our economic well-being and our economic growth. Part of our dilemma going forward and one of the reasons we are locked in this sequestration battle is that unless we are growing our economy, we will be continually faced with difficult challenges about what we fund, how we fund it, how we provide the revenue to meet these obligations. One of the surest ways to increase our growth is to invest in our infrastructure.

I think what we are proposing makes sense in two fundamental ways. It recognizes—as I think everyone does—that our national security is not exclusively related to the programs and functions of the Department of Defense and that our national security is a function not just of our military, intelligence, and other related agencies, but the vitality and strength of the country, the ability to grow and to afford these investments in defense, in homeland security, and others. We make it clear. We make it clear in this legislation that that is our proposal. And the stakes are clear: We want to go ahead and support a broad-ranged increase in resources.

The final point I will make is that this is all in the shadow of the ultimate issue, which is getting rid of sequestration—not just for one part of the government but for the entire government. If we don't address that next year, we are going to be in an extraordinarily dire situation.

With that, I ask my colleagues sincerely and very fervently to support the Reed-Mikulski amendment. I think that would put us on the track to true national security.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. RUBIO). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, how much time does our side have?

The PRESIDING OFFICER. There is no divided time. We have a vote scheduled at 11:15 a.m. but no divided time.

Ms. MIKULSKI. Well, I will be quick in my remarks.

First, I just want to comment about real leadership and how blessed we are to have what we have. I compliment both the chairman and the ranking member of the Armed Services Committee. The chairman, Senator MCCAIN, is a graduate of the Naval Academy and is a well-known and well-respected war hero who for his entire life has stood for defending America. Our ranking member, Senator JACK REED of Rhode Island, is a West Point graduate and a paratrooper, so he knows what it is like to make big leaps for the defense of the country. They have done their best to do a bill. They find that their budget allocation is very tight, and we understand that.

What we seek here is parity in what the gentleman from Arizona, Senator MCCAIN, is offering as his amendment, and he has spoken thoroughly and eloquently about it. Senator REED has spoken eloquently about how not all national security is in the Department of Defense, and we need more money for the State Department, Homeland Security. There are others in our part of the bill, the nondefense discretionary part, related to research and development and also investments in health and education.

There are those who would say: Well, Senator MIKULSKI, you know what Senator MCCAIN wants to do.

Yes.

You know what Senator REED wants to do. Not all defense is in DOD.

Yes.

But aren't you being squishy?

No, I am not being squishy at all when we talk about the needed nondefense discretionary for research and others.

Very quickly, when we won World War II, Roosevelt made it clear that it was our arsenal of democracy that enabled one of the greatest fighting machines ever assembled to be successful. We need to continue to have an arsenal of democracy. That arsenal of democracy will always be cutting edge and maintain its qualitative edge because of what we will do with research and development, often in civilian agencies, whether it is the Department of Energy that will produce more trucks, whether it is the National Science Foundation working with others to make us even more advanced in computational capacity so that we have the best computers to defend us, not only in cyber security but in others. There is a new kind of arsenal of democracy, and we need to have a strong economy and we need to have continued research and development to maintain our qualitative edge.

Let's go to the wonderful men and women who serve our military. Only 2 percent of the population signs up, but when they sign up, boy, are we proud of them. We share that on both sides of the aisle. But what GEN Martin Dempsey, the former head of the Joint Chiefs—himself a decorated hero—said to me was this: Senator MIKULSKI, out of every four people who want to enlist in our military, only one is taken because only one will be fit for duty. One category can't pass because they can't pass the physical fitness. They have too many physical problems.

Well, why is that?

Then the other won't be taken by the military because they fail the literacy and the math—a failure of education. Third, there is another category because of issues with either addiction or emotional problems.

So we need to look at our total population. We need a totally strong America to have a strong defense.

I know some people say what I want to do and some of my colleagues want to do—we not only want to maintain parity in the Budget Act consistent with our votes and our principles, but look at that. Also, when we vote, know why we are doing this. We want to maintain our arsenal of democracy. We want to maintain our cutting edge and our qualitative edge. We also want our young men and women to be fit for duty, whether it is for military service or other service to the Nation.

I know the gentleman from Arizona is waiting. I have now completed my remarks, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Maryland. She is tough and principled, a great representative of her State, and she has been a friend for many years. I thank

her for her words. I also respectfully, obviously, disagree.

This vote is obviously one that places domestic considerations on the same plane as national security. As we look around the world, I think it is pretty obvious that since 2011—the world was a very different place when sequestration was enacted. We need to have a military that is prepared to fight and is not unready, planes that can fly, ships that can sail, and men and women who are trained to fight. All of those have been impacted by sequestration.

With the Director of National Intelligence telling the Armed Services Committee and the world that there will be attacks in Europe and the United States of America, we cannot afford an $18 billion cut from last year and an over $100 billion cut since 9/11.

Every one of our military leaders has told us that we are putting the men and women who are serving in uniform at greater risk. That is not fair to them, I say to the Senator from Maryland. It is not fair. So I don't put our domestic needs on the same plane as our national security. I believe our national security is our first obligation, and that is what my amendment is all about.

Mr. President, I ask unanimous consent for 3 minutes on the Democratic side and 3 minutes on my side prior to the second vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Reed amendment No. 4549 to the McCain amendment No. 4229 to S. 2943, the National Defense Authorization Act.

Harry Reid, Jack Reed, Richard J. Durbin, Michael F. Bennet, Charles E. Schumer, Patty Murray, Richard Blumenthal, Jeff Merkley, Jeanne Shaheen, Al Franken, Gary C. Peters, Bill Nelson, Barbara Boxer, Robert Menendez, Sheldon Whitehouse, Amy Klobuchar, Barbara A. Mikulski.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4549, offered by the Senator from Rhode Island, Mr. REED, to amendment No. 4229 to S. 2943, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 55, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—43

Ayotte	Gillibrand	Nelson
Baldwin	Heinrich	Peters
Bennet	Heitkamp	Portman
Blumenthal	Hirono	Reed
Booker	Kaine	Reid
Boxer	King	Schatz
Brown	Klobuchar	Schumer
Cantwell	Leahy	Shaheen
Cardin	Markey	Stabenow
Casey	McCaskill	Udall
Coons	Menendez	Warren
Donnelly	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feinstein	Murphy	
Franken	Murray	

NAYS—55

Alexander	Fischer	Paul
Barrasso	Flake	Perdue
Blunt	Gardner	Risch
Boozman	Graham	Roberts
Burr	Grassley	Rounds
Capito	Hatch	Rubio
Carper	Heller	Sasse
Cassidy	Hoeven	Scott
Coats	Inhofe	Sessions
Cochran	Isakson	Shelby
Collins	Johnson	Sullivan
Corker	Kirk	Tester
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Crapo	Manchin	Toomey
Cruz	McCain	Vitter
Daines	McConnell	Wicker
Enzi	Moran	
Ernst	Murkowski	

NOT VOTING—2

Sanders	Warner

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 55.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Under the previous order, there will now be 6 minutes of debate, equally divided, prior to the vote.

Ms. MIKULSKI. Mr. President, today I will vote against Senator MCCAIN's amendment No. 4229, the $18 billion of additional spending for the Department of Defense.

I support the troops and their mission, especially Maryland's nine military bases. While there are many items I would like to see more money for, I believe we can meet the needs of our national defense within the budget caps. For fiscal year 2017, the Department of Defense appropriations bill reported unanimously by the Appropriations Committee last week did that.

The Defense appropriations bill accomplishes many objectives without a budget gimmick. It uses base funding to provide $600 million to meet Israel's missile defense, an increase of $455 million above the request. The McCain amendment offers only $465 million. Appropriations will add $600 million to Israeli defense.

Let's look at new, modern ships. The McCain amendment authorizes $90 million less for the littoral ships than what we do. We put in $475 million. The McCain amendment adds nothing to an account for the National Guard and Reserve. The Defense appropriations bill adds $900 million for the Guard and Reserve equipment account so they can recapitalize themselves, so they can be part of our fighting military for our Commander in Chief.

Also, we can look at something like the Arctic. There is a threat to the Arctic. Senator MURKOWSKI from Alaska has spoken eloquently about it. We have money in here for polar icebreakers. The Russians have 6, and we have 1 in Antarctica. This helps the shipbuilding industry and so on.

We can do this in Defense appropriations. I urge the rejection of the McCain amendment. We can meet our national defense without a budget gimmick.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, facts are stubborn things. They add $7 billion. We want $18 billion to restore the cuts from last year.

So I say to the Senator from Maryland: Facts are stubborn things. The fact is this amendment increases spending by $18 billion, which brings us up to last year's level.

Look at how the world has changed in the last year. Look at the commitments that this Nation has assumed as a result of a failed Obama foreign policy.

It increases the military pay raise to 2.1 percent. The current administration budgets 1.6. It fully funds our troops in Afghanistan. It stops the cuts to end strength and capacity. For example, it cancels a planned reduction of 15,000 active Army soldiers. It prevents cutting the 10th carrier air wing. It includes additional funding for 36 additional UH–60 Blackhawk helicopters, five Apaches, and five Chinooks. It provides an additional $319 million for Israeli defense programs and $2.2 billion for readiness.

We have ships that can't sail and planes that can't fly and pilots that can't train. Do you know our pilots are flying less hours than Russian and Chinese pilots are, thanks to sequestration?

It addresses the Navy's ongoing fighter shortfall and USMC aviation readiness. It supports the Navy's shipbuilding programs, necessary to fund the additional DDG–51, and restores the cut of 1 littoral ship. That is the job of the authorizers. You are doing the job of the authorizers, I say to the Senator from Maryland, and that is wrong. It is up to us to authorize, not you. It is your job to fund, not to authorize.

So what is a ''no'' vote going to do, my friends?

It is going to be a vote in favor of another year where the pay for our troops doesn't keep pace with inflation. In voting no, you are cutting more soldiers and marines in operational requirements. Voting no will be a vote in favor of continuing to shrink the number of aircraft that are available to the Air Force, Navy, and Marine Corps. Voting no would be a vote in favor of letting arbitrary budget caps set the timeline for our mission in Afghanistan. Voting no is a vote in favor of continuing to ask our men and women in uniform to continue to perform more and more tasks.

As the Chief of the U.S. Army has said, if we continue these cuts, we are putting the lives of the men and women in the military in danger. If you vote no, don't go home and say you support the military, because you do not.

I yield.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the McCain amendment No. 4229 to S. 2943, an act to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

John McCain, John Cornyn, Marco Rubio, Roger F. Wicker, Richard Burr, James M. Inhofe, Pat Roberts, Tom Cotton, Thom Tillis, Roy Blunt, Shelley Moore Capito, Dan Sullivan, Lindsey Graham, Lisa Murkowski, David Vitter, Mitch McConnell.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4229, offered by the Senator from Arizona, Mr. MCCAIN, to S. 2943, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

THE PRESIDING OFFICER (Mrs. FISCHER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 42, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—56

Ayotte	Boozman	Collins
Baldwin	Burr	Cornyn
Barrasso	Capito	Cotton
Bennet	Casey	Crapo
Blumenthal	Cassidy	Cruz
Blunt	Coats	Daines
Donnelly	King	Rubio
Ernst	Klobuchar	Sasse
Fischer	McCain	Scott
Gardner	McCaskill	Sessions
Graham	McConnell	Shelby
Hatch	Moran	Stabenow
Heinrich	Murkowski	Sullivan
Heitkamp	Perdue	Thune
Hoeven	Peters	Tillis
Inhofe	Portman	Toomey
Isakson	Risch	Vitter
Johnson	Roberts	Wicker
Kaine	Rounds	

NAYS—42

Alexander	Franken	Murphy
Booker	Gillibrand	Murray
Boxer	Grassley	Nelson
Brown	Heller	Paul
Cantwell	Hirono	Reed
Cardin	Kirk	Reid
Carper	Lankford	Schatz
Cochran	Leahy	Schumer
Coons	Lee	Shaheen
Corker	Manchin	Tester
Durbin	Markey	Udall
Enzi	Menendez	Warren
Feinstein	Merkley	Whitehouse
Flake	Mikulski	Wyden

NOT VOTING—2

Sanders	Warner

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 42.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Senator from Arizona.

AMENDMENT NO. 4229 WITHDRAWN

Mr. MCCAIN. Madam President, I withdraw my amendment No. 4229.

The PRESIDING OFFICER. The Senator has that right, and the amendment is withdrawn.

AMENDMENT NO. 4607

Mr. MCCAIN. Madam President, I call up my amendment No. 4607.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 4607.

Mr. MCCAIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the provision on share-in-savings contracts)

On page 508, strike line 10 and all that follows through "(d) TRAINING.—" on line 15 and insert the following:

Section 2332 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) TRAINING.—

Mr. MCCAIN. Madam President, I believe we are waiting for the Senator from Utah.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

UNANIMOUS CONSENT REQUEST—AUTHORITY FOR COMMITTEES TO MEET

Mr. FLAKE. Madam President, I have five unanimous consent requests for committees to meet during today's session of the Senate. They have the approval of the majority and minority leaders.

I ask unanimous consent that these requests be agreed to and that these requests be printed in the RECORD.

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. Madam President, for the benefit of my colleagues, until we finish this bill, I don't want anybody doing anything but finishing this legislation.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, while we are waiting, I believe that one of the Senators is coming to the floor for a unanimous consent request.

I would like to talk for a minute with my friend from Rhode Island, the ranking member, about a provision that is being held up, unfortunately, and that has to do with our interpreters, who have literally placed their lives on the line in order to help Americans and literally save American lives. That amendment is being held up for extraneous reasons.

The Senator from New Hampshire, I, and everybody on a bipartisan basis, and with fervent pleas from people such as GEN David Petraeus, GEN Stanley McChrystal, and Ambassador Ryan Crocker—later on I will read all of these individuals' letters that are almost wrenching because, in the words of, I believe, General McChrystal, it is not just a regular obligation, it is a moral obligation. Are we going to not allow these people to come to the United States, these people who literally laid their lives on the line for us and saved American lives, in the view of our military leadership who testified to that? General Petraeus wrote a very compelling letter. All the most respected military and diplomatic leaders have asked for this, and it is being held up for extraneous reasons.

I alert my colleagues that the Senator from Rhode Island and I are going to ask unanimous consent to move to that amendment because there are 99 votes in favor of it.

We cannot do this. We cannot do this to people who are allies. What message does it send to anybody who wants to assist the U.S. military and government—not just the military; the government—in carrying out their responsibilities and missions? If we send the message that we are going to abandon those people, what will happen in the next conflict? What will happen in Afghanistan today?

I hope an objection will not take place. I would like to alert my colleagues that in the next 15 or 20 minutes we will be moving that amendment, asking unanimous consent. Anyone who opposes it, I suggest they come to the floor and be prepared to object. This is really a matter of what America is all about. As important as an amendment that is not connected to that is, I don't know of a higher obligation we have than to care for those who have, as I say for the third time, laid their lives on the line and saved American lives in our pursuit of trying to achieve our goals.

So I would alert my colleagues that in 15 minutes we will be proposing a

unanimous consent agreement to pass that amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I join the chairman. He has very eloquently and passionately described the situation we are in. We have thousands of Afghans who have come forward and helped our forces—not just our military forces but our diplomats and our AID workers. They have been the translators. They have been on the frontlines, and they have exposed themselves to risk. Many of them are in danger of retaliation. What they want and what I think is owed to them is the opportunity to relocate to the United States.

The Senator from New Hampshire has proposed an amendment and has worked incredibly hard to satisfy objections from many different quarters, both technical and substantive, and I think has reached a very principled approach that would recognize our obligations to these individuals. It would, in a very controlled and very careful way, allow them to relocate to the United States.

Again, I thank the chairman for his passionate leadership and the Senator from New Hampshire for her extraordinary and tireless efforts, for the last 24-plus hours and throughout the larger process.

The other point I wish to make, and it does echo what the chairman said, in Afghanistan and elsewhere, but particularly in Afghanistan, if we are going to sustain our presence there, as I believe we must, we have to be able to recruit additional Afghans to help us. If the message they are getting is ''You are going to put your life on the line, and when you are no longer useful to them, they don't even remember you. You are not even a name; you are just a nobody,'' we are going to have a difficult time. If we can't recruit these highly skilled interpreters and other Afghans, our personnel—diplomatic, military, and others—will be in jeopardy. In addition to supporting our troops, some of these interpreters have been involved with FBI agents who were in Kabul and other places on counterterrorism operations. It is very dangerous work. Work that couldn't be done without these interpreters.

Again, the Senator from New Hampshire has done the bulk of the work, and we have done good work in getting to the point where we really need to get this passed.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I join Chairman MCCAIN and Ranking Member REED in the very eloquent remarks they have provided in support of the Special Immigrant Visa Program for Afghans who have assisted our men and women on the ground serving in Afghanistan.

Chairman MCCAIN mentioned the letter from GEN Stanley McChrystal. I would like to read a few sentences from this letter that was sent to all the Members of Congress.

General McChrystal says:

> The U.S. military presence in Afghanistan relies on allies who serve as translators, security personnel, and in a multitude of other functions. All of these actors are vital to the U.S. mission, whether [they] work directly or indirectly with U.S. forces. Afghans who served the United States in non-military capacities or in support of the Department of State face serious threats as a result of their service.

He goes on to say:

> If this program falls far short of the need, it will have serious national security implications.

We have received similar letters from GEN John Campbell, who was head of the forces in Afghanistan, and from General Nicholson, who is currently the general and commander of resolute support of United States Forces-Afghanistan. Ryan Crocker, a former Ambassador in Afghanistan, has been very eloquent in the need to continue to support this program and make sure those Afghans who have stood with our American soldiers can come to the United States.

Madam President, I ask unanimous consent to have printed in the RECORD these letters and this article from Ryan Crocker.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MCCHRYSTAL GROUP, LLC,
Alexandria, Virginia, May 1, 2016.

Hon. Senator JOHN MCCAIN,
Russell Senate Office Building,
Washington, DC.
Hon. Senator JACK REED,
Hart Senate Office Building,
Washington, DC.
Hon. Representative MAC THORNBERRY,
Rayburn House Office Building,
Washington, DC.
Hon. Representative ADAM SMITH,
Rayburn House Office Building,
Washington, DC.
Hon. Senator CHARLES GRASSLEY,
Hart Senate Office Building,
Washington, DC.
Hon. Senator PATRICK LEAHY,
Russell Senate Office Building,
Washington, DC.
Hon. Representative BOB GOODLATTE,
Rayburn House Office Building,
Washington, DC.
Hon. Representative JOHN CONYERS, JR.,
Rayburn House Office Building,
Washington, DC.

DEAR SENATORS AND REPRESENTATIVES: I write today to express my support for the Afghan Special Immigrant Visa (SIV) program and to express my opinion that additional SIVs are desperately needed.

Throughout my service in the U.S. military, I have seen just how important a role our in-country allies play in our missions. Many of our Afghan allies have not only been mission-essential—serving as the eyes and ears of our own troops and often saving American lives—but have risked their own and their families' lives in the line of duty. Protecting these allies is as much a matter of American national morality as it is American national security. I ask for your help in upholding this obligation by appropriating additional Afghan SIVs to bring our allies to safety in America.

It is crucial that Congress act to provide additional visas for the SIV program. The most recent figures from the State Department suggest that at least 10,000 applicants remain in the SIV processing backlog; as our troop presence in Afghanistan continues, we can only expect more endangered Afghan allies to seek our help, adding to the backlog. The Department of State has indicated that an additional 4,000 Afghan SIVs for the year would allow it to continue to process and issue visas in Fiscal Year 2017. If this program falls far short of the need, it will have serious national security implications.

I am also concerned that Congress may limit eligibility for SIV applicants. The U.S. military presence in Afghanistan relies on allies who serve as translators, security personnel, and in a multitude of other functions. All of these actors are vital to the U.S. mission, whether the work directly or indirectly with U.S. forces. Afghans who served the United States in non-military capacities or in support of the Department of State face serious threats as a result of their service. They are currently eligible for the SIV program and their eligibility should remain intact.

Thank you for your support of the Special Immigrant Visa program. Congress must ensure that the SIV program for our Afghan allies—one of the only truly non-partisan issues of the day—meets the needs of those we seek to help.

Sincerely,

STANLEY A. MCCHRYSTAL,
General, U.S. Army (Retired).

HEADQUARTERS,
RESOLUTE SUPPORT,
Kabul, Afghanistan, May 20, 2016.

Hon. JOHN MCCAIN,
Chairman, Armed Services Committee,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN, I would like to express my support for the continuation of the Special Immigrant Visa (SIV) program. It is my firm belief that abandoning this program would significantly undermine our credibility and the 15 years of tremendous sacrifice by thousands of Afghans on behalf of Americans and Coalition partners. These men and women who have risked their lives and have sacrificed much for the betterment of Afghanistan deserve our continued commitment. Failure to adequately demonstrate a shared understanding of their sacrifices and honor our commitment to any Afghan who supports the International Security Assistance Force and Resolute Support missions could have grave consequences for these individuals and bolster the propaganda of our enemies.

During my previous three tours in Afghanistan, I have seen many Afghans put themselves and their families at risk to assist our forces in pursuit of stability for their country. The stories of these interpreters and translators are heart-wrenching. They followed and supported our troops in combat at great personal risk, ensuring the safety and effectiveness of Coalition members on the ground. Many have been injured or killed in the line of duty, a testament to their commitment, resolve, and dedication to support our interests. Continuing our promise of the American dream is more than in our national interest, it is a testament to our decency and long-standing tradition of honoring our allies.

Afghanistan faces a continuing threat from both the Afghan insurgency and extremist networks. We must remain committed to helping those Afghans who, at great personal risk, have helped us in our mission. This is the second year the Afghan National Defense and Security Forces (ANDSF) are in the lead for security. They are fighting hard and

fighting well for a stable, secure Afghanistan. The vast majority of the SIV applicants have served as interpreters and translators for our troops. They have exposed themselves and compromised the safety of their families to provide critical situational awareness and guidance, both of which have helped save countless Afghan, American and Coalition lives.

Thank you for your continued support of American troops in Afghanistan.

Very Respectfully,

JOHN W. NICHOLSON,
General, U.S. Army, Commander, Resolute Support/United States Forces—Afghanistan.

HEADQUARTERS,
UNITED STATES FORCES-AFGHANISTAN,
Kabul, Afghanistan.

Hon. JOHN MCCAIN,
Chairman, Armed Services Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN, I am writing you to express my strongest support for the Special Immigrant Visa (SIV) program.

Since our arrival in Afghanistan, U.S. Forces have relied upon our Afghan partners, especially our linguists, to perform our mission. They have consistently been there with us through the most harrowing ordeals, never wavering in their support for our soldiers, our mission, and their own country. Many have been injured or killed in the line of duty.

Unfortunately, their support of our mission has resulted in our Afghan partners facing threats from insurgent groups throughout the country. They frequently live in fear that they or their families will be targeted for kidnappings and death. Many have suffered this fate already. The SIV program offers hope that their sacrifices on our behalf will not be forgotten.

After several ups and downs, the program remains an extremely important way for the United States to protect those who assisted us. By December 2014, the Department of State had issued all 4,000 Afghan SIVs allocated under the Consolidated Appropriations Act for Fiscal Year (FY) 2014. As you know, the FY15 National Defense Authorization Act provides 4,000 additional SIVs for Afghan applicants. The State Department's Status of Afghan Special Immigrant Visa Program report in April 2015 shows there are more than 8,000 SIV applications that have been submitted. Each week, I receive several personal requests and inquiries from linguists and others who have worked with, or continue to work with, U.S. Forces, seeking assistance with the Afghan SIV program. I inform them how we are working closely with Congress to obtain adequate SIV allocations each year. This shows just how important this program remains to our Afghan partners, as well our own forces.

Since I assumed command of the Resolute Support Mission/U.S. Forces-Afghanistan, much has changed and the Afghan National Defense Security Forces (ANDSF) are in the lead to secure the country. We have a willing and strategic partner whose interests are aligned with our own. The ANDSF is taking the fight to the enemy this fighting season and are performing well. Our prospects for long-term success and a strategic partner have never been better. We would not be in this position without the support and leadership of the U.S. Congress, the American people, the men and women who have served here with distinction, and our Afghan partners.

I urge Congress to ensure that continuation of the SIV program remains a prominent part of any future legislation on our efforts in Afghanistan. This program is crucial to our ability to protect those who have helped us so much.

Thank you for your support for America's Soldiers, Sailors, Airmen, and Marines.

Sincerely,

JOHN F. CAMPBELL,
General, U.S. Army, Commanding.

[From the Washington Post, May 12, 2016]

DON'T LET THE U.S. ABANDON THOUSANDS OF AFGHANS WHO WORKED FOR US

(By Ryan Crocker)

The House will soon consider the National Defense Authorization Act, an annual piece of legislation that sets policy for the military. If the bill becomes law in its current form, the United States will break faith with the Afghans who served with U.S. troops and diplomats.

This is a very personal issue for me. I was the U.S. ambassador to Iraq from 2007 to 2009 and the U.S. ambassador to Afghanistan from 2011 to 2012. I observed firsthand the courage of the citizens who risked their lives trying to help their own countries by helping the United States. During my time in Afghanistan, I had the pleasure of working with the 859 Afghan staffers at our embassy who risked their lives every day to work for the betterment of their country and ours. It takes a special kind of heroism for them to serve alongside us.

Two men continue to stand out in my memory for their service to our nation. Taj, for instance, worked for the U.S. government for more than 20 years; he returned from Pakistan after the fall of the Taliban as the first local staffer in the reopened embassy. He was there when I first raised our flag in early 2002. His outreach to imams to discuss religious tolerance and women's rights under the Koran has achieved measurable results in fighting extremism. Another, Reza, helped connect embassy leadership with politicians and thought leaders, supporters and critics, to hear their concerns and ideas. To protect these brave men and their families, I can use only their first names here.

As a result of their service, many allies like Taj and Reza have faced—and continue to face—security threats so serious that they are unable to remain in their home countries. From 2006 to 2009, I worked closely with the Congress to establish special immigrant visa (SIV) programs for Afghans and Iraqis that enable our brave partners to come to safety in the United States because of the sacrifices they made on our behalf. Although Iraqi and Afghani ''special immigrants'' do not technically come as refugees under the law, that is exactly what they are, in essence: people persecuted because of their political actions and in urgent need of protection. Reza, for example, faced Taliban death threats for his work assisting our embassy and now lives in the United States.

In an era of partisan rancor, this has been an area where Republicans and Democrats have acted together. Congress has continued to support policies aimed at protecting our wartime allies by renewing the Afghanistan SIV program annually—demonstrating a shared understanding that taking care of those who took care of us is not just an act of basic decency; it is also in our national interest. American credibility matters. Abandoning these allies would tarnish our reputation and endanger those we are today asking to serve alongside U.S. forces and diplomats.

By welcoming these Afghans, we would offer a powerful counter-narrative to the propaganda of the Islamic State and other extremist groups, which claim that the United States is hostile to Muslims. Turning our backs on people who worked with us would appear to give credence to the extremists' lies.

The need for help is particularly great this year as the U.S. military has reduced its presence in Afghanistan. There are 10,000 Afghans in the SIV application backlog. But the State Department has fewer than 4,000 visas remaining, which would leave more than 6,000 Afghans stranded in a country where their work for the United States means they are no longer safe. State requested 4,000 additional visas so that it can continue to process applications. Yet even these additional visas are not enough to protect all the Afghans and Iraqis who have worked and continue to support the United States abroad.

But the legislation, as it passed the House Armed Services Committee last week, goes in the opposite direction. Despite this backlog, the bill has no provision to increase the number of visas. It restricts the criteria for eligibility to military interpreters and translators who worked off-base and individuals who worked on-base in ''trusted and sensitive'' military support roles, excluding Afghans who worked in non-military roles such as on-base security, maintenance and support for diplomats and other government entities. Neither Taj nor Reza would have qualified under such revised criteria. When deciding whom to kill, the Taliban do not make such distinctions in service—nor should we when determining whom to save.

There is still time to save and strengthen this essential program. This week, the Senate Armed Services Committee is considering the bill. In past years, the bipartisan efforts of leaders like Sens. John McCain (R–Ariz.) and Jeanne Shaheen (D–N.H.) have kept these essential visa programs intact, and I hope they can do the same this year. Congress should both expand this essential program and work to fix the delays in processing that are weakening it.

This is truly a matter of life and death. I know hundreds of people who have been threatened because of their affiliation with the United States. Some have been killed. Today, many are in hiding, praying that the United States keeps its word. We can and must do better.

Mrs. SHAHEEN. Madam President, as Senator REED said, the amendment we have offered has been very carefully crafted. It has been a compromise among those who have had concerns about the program and those of us who believe it is critical we continue to support it. This is something all of those who have been watching this program have now agreed to, and I hope the objection we are hearing from some, that I think is unrelated to this issue, can be addressed.

I close with a story that says to me how important this program is. Senator MCCAIN and I had the opportunity 2 years ago to sit down with a former Army captain, a man named Matt Zeller, and his interpreter, an Afghan named Janis Shinwari, who had just been allowed into the United States. When I asked Matt Zeller how he met Janis and about the help he had provided him, his response was that they had met basically when he and his unit were under attack from the Taliban and he was knocked out in that attack. When he woke up, it wasn't he and fellow unit members of the military who were dead, it was the Taliban, and they were dead because Janis Shinwari was there and had protected Matt and the fellow members of his unit.

I think that says so much about how important these interpreters and those who have provided support to our men and women on the ground in Afghanistan have been. What will we say the next time we want somebody to help, when we need help in a country where our men and women are fighting, if they can look back and say: You didn't keep your word, United States, so why should we help you now?

This is our opportunity to continue to keep our word, to continue to make sure those people who helped us in Afghanistan, who protected our men and women on the ground there, are able to come to the United States when they are threatened, when their families are threatened, and be safe.

I certainly hope we can work out the objection we are hearing from some Members and that we can support this very carefully crafted compromise to make sure we protect those who have helped protect us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

INDUSTRIAL HEMP FARMING ACT

Mr. WYDEN. Madam President, we are working on the very important Defense bill, but I just wanted to take a few minutes to discuss another topic.

For some time, with the support of the Senate majority leader, Mr. MCCONNELL, Senator MERKLEY and Senator PAUL and I have all been trying to change Federal law so farmers across the country can secure the green light to grow hemp in America.

About a year ago, I came to the floor of the Senate with a basket of hemp products to highlight that this is a particularly important time in the debate—a time in history when we have kind of reflected on what this issue has been about. I have talked about how hemp products are made in this country, sold in this country, and consumed in our country, but they are not 100-percent American products. They can't be fully red, white, and blue products because the law says the hemp used to make them cannot be grown on a large-scale basis here at home.

Another year has gone by since the majority leader, Senator MERKLEY, Senator PAUL, and I teamed up, and unfortunately industrial hemp continues to be on the controlled substances list. Because of that unjustified status, hard-working farmers in Oregon and across our country have been deprived of the opportunity and benefits of a crop that has enormous economic potential—all because there has been this misinterpretation that in some way this is affiliated with marijuana.

Industrial hemp and marijuana come from the same plant species. Someone could say they have a similar look, but they are, in fact, very different in key ways. First and foremost, industrial hemp does not have the psychoactive properties of marijuana. You would have about as much luck getting high by smoking cotton from a T-shirt as you would by smoking hemp. In my view, the hemp ban looks like a case of illegality for the sake of illegality.

Four Members of the United States Senate, including the Senate majority leader, want to bring an end to this anti-hemp stigma that has, in effect, been codified in the law. We have talked about a whole host of hemp products—foods, soap, lotion supplements, hemp milk, and you can even use a hemp product to seal the lumber in a deck.

If you just look at the variety of products—the kinds of products I have shown here before—you can certainly see the ingenuity of American producers. You see a growing demand of American consumers for hemp products. My view is our hard-working farmers ought to have the opportunity to meet that demand.

Unfortunately, 100 percent of the hemp used in the kinds of products I brought to the floor have to be imported from other countries. So this ban on hemp is not anti-drug policy, it is anti-farmer policy. I have held this belief. I remember going to a Costco at home, when my wife Nancy was pregnant with our third child, and I saw there were hemp products available there at the local Costco, and I announced what was going to be a guiding principle of mine on this; that is, if you can buy it at a local supermarket, the American farmer ought to be able to grow it. Quaint idea, but I think if you walk through a Costco or any other store, you say to yourself: Must be pretty exasperating for American farmers to not have an opportunity to be part of generating that set of jobs associated with the ag sector because the jobs are coming from people overseas.

There has been a bit of progress. The 2014 farm bill puts the first cracks in the Federal ban. It okayed growth research projects led by universities and agriculture departments in States such as Oregon and Kentucky that take a smarter approach to hemp. These projects have proven successful. Farmers are ready to grow hemp, but the first cracks in the Federal ban do not go far enough, and these projects are still just tied up, tied up, and tied up in various spools of redtape.

In my view, what is needed is a legislative solution. So what we now have, in addition to the four of us—the Senators from Kentucky, the Senators from Oregon—is a bipartisan group of 12 Senators on the Industrial Hemp Farming Act. Once and for all, what we would say is, as a matter of law, let's remove hemp from the schedule I controlled substances list and give a green light to farmers from one end of the country to another who believe they would like to have a chance putting people to work growing hemp.

I urge my colleagues to reflect on the history of this time, to learn more about the safe and versatile crop and the great potential it holds to giving a boost to American agriculture and our domestic economy.

This is a bipartisan bill. The Senate majority leader, MITCH MCCONNELL; my colleague from Oregon, Senator MERKLEY; Senator MCCONNELL's colleague from Kentucky, RAND PAUL—the four of us, both Senators from Oregon, both Senators from Kentucky—say this is common sense. Twelve Members of the Senate are on board. It is time to turn this into law and give our hard-working farmers—and I note the Presiding Officer knows a bit about farming—I want to give our farmers another opportunity to generate profit and revenue for their important enterprises in America, and I hope my colleagues will support the legislation.

With that, Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Madam President, we have been moving very steadily through this authorization bill. I once again commend the leadership of Chairman MCCAIN. It really began months ago when the Chairman decided that he was going to do an in-depth analysis of the Department of Defense, calling upon experts from an extraordinary range of academic, military, and diplomatic leaders. As a result, we became much more knowledgeable than we were previously about things within the Department that we should very carefully review and perhaps change. In fact, because of his leadership, this is the most fundamental revision of the Goldwater-Nichols procedures that were adopted three decades ago. We have spent a lot of time discussing important issues, but I don't think we have given quite enough credit to the work that the Chairman and our colleagues have done with respect to some of these important reforms.

One area that we worked on together is developing statutory authority for cross-functional teams within the Office of the Secretary of Defense. One of the challenges that Goldwater-Nichols faced, and faced successfully, was to try to integrate operational units. They came up with the concept of jointness, which now we assume has always been there, but that was not the case 30 or 40 years ago. Because of the inspiration of the concept and because of the emphasis in the assignment process of moving forward and having an assignment not in your branch of service but in a job that required the integration of other services, that approach made a significant, fundamental change on the effective operations of military forces today, and we take it for granted.

Similarly, we want to take that type of approach not just in the services and

the operational command but within the headquarters of the Secretary of Defense. We have organized cross-functional teams that the Secretary—he or she—can adopt. These cross-functional teams exemplify the real mission of the Secretary. It is not to organize personnel or logistics. It is to achieve an outcome which requires every component to work together. This is just one example of the innovation that is being promoted in this legislation. Again, I think it is not only building on Goldwater-Nichols, but it is really going much further more effectively.

One of the inspirations for this approach is what has been done in private industry. Private industry has faced some of the same challenges as every large institution—and the Department is a large institution. They have lots of functional areas, but they didn't have a common operational technique, a common team, et cetera. Looking at the private sector, this model has become prevalent because it has reduced costs, increased efficiency, and delivered products on time—in fact, even faster than they thought they could do. We hope this approach will similarly provide the kinds of organizational structure and incentives for the Department of Defense that will make the Office of the Secretary of Defense much more efficient. That is just one aspect but there are other aspects that are critical too.

Some of the other aspects involve trying to focus research and engineering in one particular focal point in the Department of Defense. This is in reaction to the phenomenon that we have all observed, and that is that our technological superiority—which we took for granted for decades and decades and decades—is now being slowly eroded because of research that is going on across the globe. Part of our proposal is to have a very centralized figure with significant rank to focus on this research and engineering effort.

Other duties in terms of management of the program, operation of the Department of Defense, and testing issues could be coordinated with other elements. That is another important aspect of these proposals.

Again, we have spent a great deal of time discussing important issues, but I think we should not fail to note these important changes.

In addition to structure changes at the Department of Defense level, we are also creating a much more organizationally streamlined structure in order to more appropriately deliver services.

In addition, we worked closely with the Joint Chiefs of Staff to get their input about how the Chairman of the Joint Chiefs can be more effective as the principal adviser to the President of the United States. That is an important change to be made. We have also been very careful to get feedback from professionals within the Chairman's office so that we are doing things that make sense, that work, and that function appropriately.

Another important aspect to note in talking about very fundamental Goldwater-Nichols reform is the role of the Vice Chairman of the Joint Chiefs of Staff. That person has the responsibility to head the Joint Requirements Oversight Council—JROC—which I am well familiar with. Essentially, the JROC lays out for all the services what types of equipment they need, what requirements they are fulfilling—whether it be an undersea craft or a new aviation platform. After listening to the numerous experts that came before us, our observation was that the Vice Chairman might have been in a sense first among equals, but there were more consensus decisions without a focal point of leadership. What we have done in this legislation is make it clear that the Vice Chairman is indeed the leader of that group, so he or she will someday have the ability to make decisions after getting advice from the other members of the JROC.

But it will not be what is perceived today as a sort of quid pro quo between services: The Navy might want a particular ship, and in return for that particular ship, they will be amenable to a proposal by the Air Force for a particular aviation platform. What we have now is that the Vice Chair will be able—not only as the official formal head of this but also as the chief adviser to the Chairman—to say: No, we have looked at this not from the perspective of the service but from the perspective of the Joint Chiefs and our role as giving advice to the President so that we can go ahead and give a decision that is not based upon anything else.

AMENDMENT NO. 4603 TO AMENDMENT NO. 4607

Mr. REED. Madam President, at this juncture I call up Reid amendment No. 4603.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for Mr. REID, proposes an amendment numbered 4603 to amendment No. 4607.

Mr. REED. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following:

This Act shall be in effect 1 day after enactment.

Mr. REED. Madam President, to continue briefly, we are again spending a great deal of time on an important issue, and we have more important issues that will emerge. But I think it is long overdue to cite what we have done in just a small part under the leadership of the chairman to make fundamental changes to the operation of the Department of Defense. I am confident that years from now, when they talk about Goldwater-Nichols, they will talk about MCCAIN, what the McCain amendments did and what the McCain bill did. I think that is a fitting tribute to the chairman. I also think it is ultimately what we are all about here. It is going to make sure that the men and women in the field who wear the uniform of the United States have the very best leadership, from the Secretary's level, to the Chairman's level, all the way down to their platoon leader and commander.

I want to make sure we noted that.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, may I say to my very modest friend from Rhode Island that anything that has the MCCAIN name on it has a hyphened name and the REED name on it because what we have accomplished in the Senate Armed Services Committee would be absolutely impossible without the partnership we have. I cannot express adequately my appreciation for the cooperation and the friendship we have developed over many years. As I have said probably 200 times, despite his poor education, he has overcome that and has been a very great contributor to——

Mr. REED. Will the chairman yield? If I had the opportunity to go to a football school and not an academic institution, I would be better off today.

Forgive me, Mr. Chairman.

Mr. MCCAIN. Madam President, hopefully we are going to pass the resolution that will allow interpreters to come to the United States under a special program.

I have received letters, and correspondence from literally every military leader and diplomatic leader who has served in Iraq and Afghanistan.

I ask unanimous consent to have printed in the RECORD copies of those letters and correspondence.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HEADQUARTERS,
RESOLUTE SUPPORT,
Kabul, Afghanistan, May 20, 2016.

Hon. JOHN MCCAIN,
Chairman, Armed Services Committee,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN, I would like to express my support for the continuation of the Special Immigrant Visa (SIV) program. It is my firm belief that abandoning this program would significantly undermine our credibility and the 15 years of tremendous sacrifice by thousands of Afghans on behalf of Americans and Coalition partners. These men and women who have risked their lives and have sacrificed much for the betterment of Afghanistan deserve our continued commitment. Failure to adequately demonstrate a shared understanding of their sacrifices and honor our commitment to any Afghan who supports the International Security Assistance Force and Resolute Support missions could have grave consequences for these individuals and bolster the propaganda of our enemies.

During my previous three tours in Afghanistan, I have seen many Afghans put themselves and their families at risk to assist our forces in pursuit of stability for their country. The stories of these interpreters and translators are heart-wrenching. They followed and supported our troops in combat at

great personal risk, ensuring the safety and effectiveness of Coalition members on the ground. Many have been injured or killed in the line of duty, a testament to their commitment, resolve, and dedication to support our interests. Continuing our promise of the American dream is more than in our national interest, it is a testament to our decency and long-standing tradition of honoring our allies.

Afghanistan faces a continuing threat from both the Afghan insurgency and extremist networks. We must remain committed to helping those Afghans who, at great personal risk, have helped us in our mission. This is the second year the Afghan National Defense and Security Forces (ANDSF) are in the lead for security. They are fighting hard and fighting well for a stable, secure Afghanistan. The vast majority of the SIV applicants have served as interpreters and translators for our troops. They have exposed themselves and compromised the safety of their families to provide critical situational awareness and guidance, both of which have helped save countless Afghan, American and Coalition lives.

Thank you for your continued support of American troops in Afghanistan.

Very Respectfully,

JOHN W. NICHOLSON,
General, U.S. Army, Commander, Resolute Support/United States Forces—Afghanistan.

HEADQUARTERS,
UNITED STATES FORCES—AFGHANISTAN,
Kabul, Afghanistan.

Hon. JOHN MCCAIN,
Chairman, Armed Services Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN, I am writing you to express my strongest support for the Special Immigrant Visa (SIV) program.

Since our arrival in Afghanistan, U.S. Forces have relied upon our Afghan partners, especially our linguists, to perform our mission. They have consistently been there with us through the most harrowing ordeals, never wavering in their support for our soldiers, our mission, and their own country. Many have been injured or killed in the line of duty.

Unfortunately, their support of our mission has resulted in our Afghan partners facing threats from insurgent groups throughout the country. They frequently live in fear that they or their families will be targeted for kidnappings and death. Many have suffered this fate already. The SIV program offers hope that their sacrifices on our behalf will not be forgotten.

After several ups and downs, the program remains an extremely important way for the United States to protect those who assisted us. By December 2014, the Department of State had issued all 4,000 Afghan SIVs allocated under the Consolidated Appropriations Act for Fiscal Year (FY) 2014. As you know, the FY15 National Defense Authorization Act provides 4,000 additional SIVs for Afghan applicants. The State Department's Status of Afghan Special Immigrant Visa Program report in April 2015 shows there are more than 8,000 SIV applications that have been submitted. Each week, I receive several personal requests and inquiries from linguists and others who have worked with, or continue to work with, U.S. Forces, seeking assistance with the Afghan SIV program. I inform them how we are working closely with Congress to obtain adequate SIV allocations each year. This shows just how important this program remains to our Afghan partners, as well our own forces.

Since I assumed command of the Resolute Support Mission/U.S. Forces-Afghanistan, much has changed and the Afghan National Defense Security Forces (ANDSF) are in the lead to secure the country. We have a willing and strategic partner whose interests are aligned with our own. The ANDSF is taking the fight to the enemy this fighting season and are performing well. Our prospects for long-term success and a strategic partner have never been better. We would not be in this position without the support and leadership of the U.S. Congress, the American people, the men and women who have served here with distinction, and our Afghan partners.

I urge Congress to ensure that continuation of the SIV program remains a prominent part of any future legislation on our efforts in Afghanistan. This program is crucial to our ability to protect those who have helped us so much.

Thank you for your support for America's Soldiers, Sailors, Airmen, and Marines.

Sincerely,

JOHN F. CAMPBELL,
General, U.S. Army, Commanding.

From: David Petraeus
Date: May 12, 2016.

DEAR CHAIRMAN, I write to express my support for the Afghan Special Immigrant Visa (SIV) program and to state that additional SIVs are desperately needed.

Throughout my time in uniform, I saw how important our in-country allies are in the performance of our missions. Many of our Afghan allies have not only been mission-essential—serving as the eyes and ears of our own troops and often saving American lives—they have risked their own and their families' lives in the line of duty. Protecting these allies is as much a matter of American national morality as it is American national security. I ask for your help in meeting our obligation by appropriating additional Afghan SIVs to bring our allies to safety in America.

It is crucial that Congress act to provide additional visas for the SIV program. The most recent figures from the State Department suggest that at least 10,000 applicants remain in the SIV processing backlog; as our troop presence in Afghanistan continues, we can expect more endangered Afghan allies to seek our help, adding to the backlog. The Department of State has indicated that an additional 4,000 Afghan SIVs for the year would allow it to continue to process and issue visas in Fiscal Year 2017. If this program falls far short of the need, it will have serious national security implications.

I am also concerned that Congress may limit eligibility for SIV applicants. The U.S. military presence in Afghanistan relies on local partners who serve as translators, security personnel, and in a multitude of other functions. All of these individuals are vital to the U.S. mission, whether they work directly or indirectly with U.S. forces. Afghans who served the United States in non-military capacities or in support of the Department of State face serious threats as a result of their service. They are currently eligible for the SIV program and their eligibility should remain intact.

Thank you for your support of the Special Immigrant Visa program. Congress must ensure that the SIV program for our Afghan allies—one of the only truly non-partisan issues of the day—meets the needs of those we seek to help.

Sincerely,

DAVE PETRAEUS.

Mr. MCCAIN. For the sake of illustration, I would like to quote from a couple of the letters I have. One is from General Nicholson, who today is our commander of resolute support, United States Forces-Afghanistan. I won't read the whole letter, but I would like to quote it because I think it is very compelling.

General Nicholson says:

During my previous three tours in Afghanistan, I have seen many Afghans put themselves and their families at risk to assist our forces in pursuit of stability for their country. The stories of these interpreters and translators are heart-wrenching. They followed and supported our troops in combat at great personal risk, ensuring the safety and effectiveness of Coalition members on the ground. Many have been injured or killed in the line of duty, a testament to their commitment, resolve, and dedication to support our interests. Continuing our promise of the American dream is more than in our national interest, it is a testament to our decency and long-standing tradition of honoring our allies.

I would like to repeat General Nicholson's last sentence: ''Continuing our promise of the American dream is more than in our national interest, it is a testament to our decency and long-standing tradition of honoring our allies.''

I could not put it any better than General Nicholson did.

Finally, I would like to quote from a letter by General Campbell, who was his predecessor. General Campbell said:

I am writing you to express my strongest support for the Special Immigrant Visa (SIV) program.

Since our arrival in Afghanistan, U.S. Forces have relied upon our Afghan partners, especially our linguists, to perform our mission. They have consistently been there with us through the most harrowing ordeals, never wavering in their support of our soldiers, our mission, and their own country. Many have been injured or killed in the line of duty.

Unfortunately, their support of our mission has resulted in our Afghan partners facing threats from insurgent groups throughout the country. They frequently live in fear that they or their families will be targeted for kidnappings and death. Many have suffered this fate already. The SIV program offers hope that their sacrifices on our behalf will not be forgotten.

Again, those are two compelling statements.

I will not go further because I see the distinguished Senator from Georgia waiting, but I would like to quote from correspondence from an individual who I think is the finest military leader among the many outstanding military leaders whom I have had the opportunity of knowing. This is from GEN David Petraeus, Retired. It is a letter he wrote. He said:

Throughout my time in uniform, I saw how important our in-country allies are in the performance of our missions. Many of our Afghan allies have not only been mission-essential—serving as the eyes and ears of our own troops and often saving American lives—they have risked their own and their families' lives in the line of duty. Protecting these allies is as much a matter of American national morality as it is American national security. I ask for your help in meeting our obligation by appropriating additional Afghan SIVs to bring our allies to safety in America.

It is signed ''Sincerely, David Petraeus.''

Both of the individuals I just quoted served multiple tours—not one, not two, sometimes as many as five—in Iraq and Afghanistan over the last 14 years. These leaders know what the service and sacrifice of these Afghans and Iraqis have provided to our military at the very risk and loss of their lives since they are the No. 1 target of the Taliban in Afghanistan.

I hope my colleagues, by voice vote, will agree to increase the visa program so that we can allow these people to come to the United States of America.

I will end with this. I know that some people come to our country whom we have some doubts about—their citizenship, their commitment to democracy, their adequacy, the kind of people they are.

Well, these people have already proven their allegiance to the United States of America because they have put their lives on the line. Some of them had their family members murdered. I have no doubt as to what kind of citizens of this country they will be.

I believe that an overwhelming majority of my colleagues agree that, as General Nicholson said in his letter, it is a moral obligation. I think we will all feel better after we get this done.

I note the presence of probably the most well-informed Member of the U.S. Senate on budgetary issues, the Senator from Georgia.

I yield the floor.

The PRESIDING OFFICER (Mr. SASSE). The Senator from Georgia.

Mr. PERDUE. Mr. President, first, I want to thank the distinguished Senator from Arizona, the chairman of the Armed Services Committee, and the ranking member, Senator REED, for their tireless work in doing God's work here, and that is making sure we provide for the needs of our men and women in uniform around the world.

There are only 6 reasons why 13 Colonies got together in the first place. One of those six was to provide for the national defense. That is what we are talking about this week.

As we debate the National Defense Authorization Act this week, I personally would like to add a little different perspective to this debate.

In my opinion, today the world is more dangerous than at any time in my lifetime. We have major threats from various perspectives. No. 1, we see the rise of traditional rivals—Russia, China—and ever-more aggressiveness from both. We see the rise of ISIS and attendant networks around the country supporting terrorism and the Islamic State. We see the proliferation of nuclear capability among rogue nations, such as North Korea and Iran. We see the hybrid warfare, including cyber warfare, that is being perpetrated today. What we are not talking about is the growing arms race in space. All this adds to a very dangerous world and makes it very mobile and puts people right here in the United States in danger, as we have seen already.

As we face these increasing threats, though, at the very time we need our military to be strongest, we are disinvesting in our military.

You can see from this chart that over the last 30 years or so, we have had three Democratic Presidents, and all have disinvested in the military for different reasons. First we had President Carter, then we had President Clinton, and now we have President Obama. We have disinvested in the military to the point that today we are spending about 3 percent of our GDP on our military. That is about $600 billion in round numbers. The 30-year average is 4 percent. That difference, that 1 percentage point of difference, is $200 billion.

What I am concerned about is that as we sit here facing these additional threats today, we have the smallest Army since World War II, the smallest Navy since World War I, and the oldest and smallest Air Force ever. According to the Congressional Budget Office, the current plan is even worse than that. It says that in the next 10 years we will continue to disinvest in our military down to 2.6 percent of our GDP. That is another estimated $100 billion of reduction. This is a new low that I believe we cannot allow to happen.

As we look at our overall defense spending authorization levels today in this NDAA bill, we are falling short of where we need to be based on the threats we face. Don't just take my word for it. The last defense budget that Secretary Bob Gates actually proposed was in 2011. That was the last one proposed before sequestration took place, and that was the last defense budget that was based on the actual assessment of the threats against our country, not arbitrary budget limitations. His estimate at that time for this year, fiscal year 2016, was $646 billion. As for 2017, our top-line estimate right now—what we are trying to get approved—is $602 billion. That is a far cry.

By the way, Secretary Gates' estimate was before ISIS, before the Benghazi attacks on our Embassy, before Russia seized Crimea, before Russia went into the Ukraine, and before China started building islands in the South China Sea. I can go on. How did we get here?

Today, financially, we have an absolute financial catastrophe. In the last 7 years, we have borrowed about 30 percent of what we have spent as a Federal Government. It is projected that over the next 10 years we will again borrow about 30 percent of what we spend as a Federal Government.

My argument has been that we can no longer be just debt hawks; we have to also be defense hawks. By the way, those two can no longer be mutually exclusive.

In order to solve the global security crisis, I believe we have to solve our own financial debt crisis. We all know we have $19 trillion of debt today. What is worse, though, is that CBO estimates that is going to grow to $30 trillion over the next decade unless we do something about it.

This chart shows the real problem. Right now, the problem is not discretionary spending, which is actually down from around 2010—about $1.4 trillion—down to about $1.1 trillion today. So discretionary spending—now, we may have gotten there the wrong way. We used the sequestration to do that. But I would argue that discretionary spending is not where the major problem is today. The major probably is in the mandatory spending—Social Security, Medicare, Medicaid, pension and benefits for Federal employees, and the interest on our debt.

We have been living in an artificial world where interest rates have been basically zero. We are paying fewer dollars on the Federal debt today—fewer dollars than we were in 2000 when our debt was one-third of what it is today.

To deal with the global security crisis, we need to be honest about what our military needs. That gets difficult sometimes. Today we have national security priorities that aren't getting properly funded, and yet we know we are spending money inefficiently.

First of all, we have missions that we are not able to maintain. Take a look at the marine expeditionary units around the world. These are the MEUs around the world. I visited a couple of these, by the way. Because of defense cuts, there aren't enough amphibious ships for the marines to have what is known as theater reserve force, also known as MEUs. As a result, for missions like crisis response and Embassy protection in Africa, for example, we now have a Special Purpose MAGTF covering this task based on the ground in Moron, Spain.

I personally visited with those people. The best—I mean the very best of America is in uniform around the world taking care of our business and protecting our interests and our freedom here at home. Even this force in Moron, Spain, is seeing a cut in their fleet size of airplanes. They are self-contained. They can get themselves from where they are to the point of crisis very quickly, but we are cutting their ability to do that because of limitations from a financial standpoint.

Another example is the recapitalization program for the Joint Surveillance Target Attack Radar System, or what we call JSTARS, the No. 4 acquisition priority for the Air Force and a critical provider of ISR ground targeting and battlefield command and control to all branches of our military in almost every region of the world.

As the old fleet is reaching the end of its service life, we will have to have a new fleet come online quickly. The problem is we are seeing a projected gap of 7 years where that capability will no longer be available in full force for the people who need it the most—people on the ground and in harm's way.

We are not able to fund the military at the force size we need either. As a

result, we are putting greater pressure on personnel, burning up our troops, putting pressure on families, and elongating our deployments. They spend more time on rotations internationally and not enough time with their families at home, and it is causing problems. It is causing turnover, problems with families, and so forth.

The forces we have are not getting the training they need. For example, two-thirds of Army units are only training at the squad and platoon levels, not in full combat formations. We have Air Force pilots actually leaving the service today because they cut back so dramatically on training flights. These examples highlight why we need to scrutinize every dollar we spend on defense so we can ensure these dollars go to our critical requirements of protecting our men and women around the world.

To that end, we need to improve fiscal accountability at the DOD and highlight the needs we are not currently fulfilling. For example, our Department of Defense has never been audited. Even today, we cannot dictate to the DOD that they provide an audit.

Can you imagine Walmart doing that? First of all, the answer is this: We are too big, too complicated, and it is just too difficult to do. Can you imagine Walmart calling the SEC and saying: Sorry, we are not going to comply with your requirements. The DOD is not that much bigger than Walmart.

I think we should withhold funds to the accountable agency until a plan is produced that would also allow the Pentagon to keep track of its military equipment. It has been 13 years since that law was passed, and yet they are still not in compliance. This is all just about funding our military, but we also have to be responsible. The men and women in uniform and on the frontlines deserve that.

Finally, to address a critical need we discussed earlier, JSTARS, Senator ISAKSON and I have been working to get the replacement fleet ready to go sooner rather than later to eliminate this gap. This fleet must get online faster than the current plan or we face a potential 7-year gap.

I am committed to ensuring that we have what we need to support our service men and women around the world. These efforts will make the Pentagon accountable and focus funds on critical priorities. This debate is all about setting the right priorities, not just here at home with the military but also with other domestic programs and mandatory expenditures. This debate is all about setting the right priorities to make sure we can do what the Constitution calls on us to do, and that is to provide for the national defense.

The national debt crisis and our global security crisis are interlocked inextricably. We are not going to solve the dilemma of providing for national defense until we solve this national debt crisis. Our servicemen, servicewomen, and combatant commanders don't have and will not have the training, equipment, and preparation they absolutely need to fulfill their missions as they face growing threats. It is time that Washington faces up to this crisis.

This is not just about the NDAA. This is about the defense of our country and the future of our very way of life. We simply have to come to grips with this NDAA, pass it, and make sure we find a way to address this debt crisis so every year going forward we don't have this drama of finding a way to fund our military to protect our country. We simply have to come to grips and set the right priorities required to defend our country.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mrs. ERNST. Mr. President, for more than 23 years, I had the great honor of serving in the Army Reserve and National Guard. It was during this time that I was able to gain firsthand experience of working alongside the unbelievable men and women in uniform, whose character, honor, and love of our country has led them to sacrifice so selflessly for it. During my time in the military, I had the honor of serving a tour in Kuwait and Iraq.

As a company commander during Operation Iraqi Freedom, what was so important to me, other than bringing everyone home, was ensuring my troops received what they needed when they needed it. Unfortunately, given the nature of war and the learning curve our military had in its first large-scale military deployment since Operations Desert Shield and Desert Storm, that did not always happen. However, as the war went on, our military adapted and our troops were able to receive the equipment they needed to do the job.

Even though I am now retired from the military, I still have the privilege of serving our men and women in uniform, just in a different capacity, as a Senator and a member of the Armed Services Committee. It has been an honor to work with Chairman MCCAIN, Ranking Member REED, and the other distinguished members of the committee on another vital annual Defense bill.

Over the past year, my colleagues and I have worked to produce a bill that enhances the capabilities of our military to face current and future threats. This bill will impart much needed efficiencies in the Department of Defense that will result in saving American taxpayer dollars and allow the Department to provide greater support to our warfighters through eliminating unnecessary overhead, streamlining Department functions, reducing unnecessary general officer billets, and modernizing the military health care system.

Furthermore, we have found ways to enhance the capabilities of our warfighters, ensuring our troops have the training opportunities in order to be prepared to execute their assigned missions. This means more rotations to national training centers and more effective home station training for our troops who are being sent into harm's way around the world.

Our military leaders have stressed that readiness is their top priority. Adequately funding their request for readiness keeps faith with our servicemembers and ensures that our men and women in uniform have the best chance to come home to their loved ones. However, while we have adequately funded the Department's readiness needs, sequestration has led us to prioritize readiness over DOD modernization. I believe this is a risky proposition with respect to ensuring our servicemembers will have the advanced equipment, vehicles, ships, and aircraft to confront technologically advanced adversaries, such as Russia and China, in a potential future conflict.

Unfortunately, I believe many have taken our decades-long technological dominance for granted. If we continue to fail to adequately fund modernization, our servicemembers may pay the price for that decision with their lives, something none of us want.

While I fully agree with the need to identify and reduce government spending—and especially to eliminate fraud, waste, and abuse in the DOD—we must also ensure funds are allocated in the proper areas so our troops have the resources they need so they are not outclassed by our adversaries, who are currently modernizing their capabilities with aims to defeat our country in a potential conflict.

Due to sequestration and the Bipartisan Budget Act, this bill is short of what our troops need to defend our country next year and in future years. I believe it is important to keep that in mind while we consider this bill.

I was sorely disappointed that the Senate did not come together in a bipartisan fashion and stop shortchanging our troops and their families through the arbitrary caps set through sequestration. That was a missed opportunity. The threats the Nation and our troops face are too great for partisan bickering, shortsightedness, and the abdication of one of our core responsibilities, which is to provide for our military.

I wish to talk also about a few of the provisions included in the NDAA that I crafted. During the process, I was able to author nearly two dozen provisions ranging from improving the professionalism of military judge advocates and military intelligence professionals to making retaliation against sexual assault victims its own crime and enhancing DOD program management.

As I stated repeatedly, one area of focus for me is working to prevent sexual assault in the military. While we have seen progress, there are still steps that must be taken to improve the system and the overall culture. One of my provisions would help enhance the military prosecutors and JAGs to better ensure that victims of sexual assault and other crimes will know their

case is in good, well-trained, and experienced hands.

Also included in this bill is a provision I authored with Senator MCCASKILL of Missouri, which combats retaliation within our military. We cannot allow any retaliation against survivors who come forward seeking justice, and this provision will work to curb the culture of retaliation in our ranks.

Other provisions I pushed to have included in the committee report seek to bring greater military intelligence support to our warfighters by ending growth in headquarters elements and pushing that support down to those military intelligence units providing direct support to our warfighters. Not only do these report language provisions seek to enhance support to our men and women defending our Nation on the frontlines, but they would also create safeguards which will help ensure your taxpayer dollars are being spent properly within the DOD.

This bill also includes my Program Management Improvement Accountability Act, which is a bipartisan piece of legislation that solves problems with program and project management that have plagued the Federal Government for decades, especially in the Department of Defense. We have read about these failures in the media, IG reports, and the GAO High Risk List. Many projects are grossly overbudget, delayed, or do not meet previously stated goals.

Ultimately, by strengthening its program management policies, the DOD and other Federal agencies will better account for and utilize taxpayer dollars. It will also improve its ability to complete projects on time and on budget, which leads to getting our troops the advanced equipment and weapons they need as soon as possible.

In closing, I want to thank again my colleagues for their work on this bill, but most of all, I thank our men and women in uniform, and I want them to know that we stand with them in their defense of this great country and all that it stands for.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. DONNELLY. Mr. President, as we continue to debate this year's National Defense Authorization Act on the floor this week, I want to take a few minutes as the ranking member of the Armed Services Strategic Forces Subcommittee to discuss provisions of the bill that relate to our Nation's nuclear deterrent and nonproliferation programs, missile defense, and space programs.

I want to start by thanking all the members of the Strategic Forces Subcommittee for putting in another year of hard work. I would especially like to thank our Subcommittee Chairman, my colleague from Alabama, Senator SESSIONS, for the strong partnership we have built over the past 2 years in leading this committee together. I want my colleagues to note that Senator SESSIONS and his staff worked closely together with me and my staff in developing elements of the bill pertaining to the Strategic Forces Subcommittee.

Together with our colleagues on the subcommittee, we have built bipartisan consensus on some of the most important issues in this bill—no small feat when we are talking about things like nuclear weapons and defending against missile threats from Iran and North Korea.

I also thank the tremendous professionals on our staff, both Republican and Democratic, whose expertise and dedication to serving the national interest are essential to this bill's success.

In developing the base language for the NDAA, the Strategic Forces Subcommittee held five hearings and a number of briefings on topics ranging from nuclear policy and deterrence, to missile defense, to protecting our satellites in space during a time of increasing threats from potential adversaries who seek to exploit the fragile nature of these assets.

In the area of nuclear forces, our subcommittee has prioritized the need to update our Nation's nuclear command and control infrastructure to ensure our ability to communicate with our nuclear forces in times of national crisis.

We have also examined the role of our Nation's deterrence policy toward Russia and made available $28 million to shore up our NATO nuclear mission, over and above the funding for the European Reassurance Initiative. These funds will help provide much needed upgrades to the readiness of our dual-capable aircraft and other activities to exercise our nuclear mission in support of NATO.

Within the Department of Energy's National Nuclear Security Administration, we continue to fully authorize the W–76 submarine missile warhead life extension program, where upward of two-thirds of our deterrent will exist upon full implementation of the New START Treaty.

We also continue to life-extend the B61 gravity bomb in support of our NATO allies, and we have fully authorized the life extension of the W80 cruise missile warhead, which will support the air leg of our triad.

The subcommittee has continued full support for the Nunn-Lugar Cooperative Threat Reduction Program, which marks its 25th anniversary this year. I would like to thank Senator Lugar and Senator Nunn for their extraordinary service to this Nation. This program, named for my fellow Hoosier predecessor, Senator Richard Lugar, combats nuclear proliferation by helping nations detect nuclear materials crossing their borders and by securing nuclear materials in their countries to keep them out of the hands of terrorists.

In addition to working with nuclear material, the program also addresses biological threats, helping other nations secure dangerous pathogens. In the case of the Ebola epidemic, the program was able to help the 101st Airborne Division develop rapid field diagnostics to quickly screen infected patients from those who simply had a fever unrelated to the disease. Many have credited this program's quick response, combined with the capabilities of the 101st Airborne, with reversing the tide of the Ebola epidemic before it spread to large cities.

In the area of cutting-edge hypersonic systems, the bill provides full funding for programs like conventional prompt strike that aim to even the global playing field on hypersonic systems development.

According to public reports, Russia and China are prioritizing the development of hypersonic weapons and making troubling progress relative to our own. If we are to maintain our Nation's technological edge over our potential adversaries, we need to invest in this critical area of research and development.

While the House authorizers and appropriators have also fully funded conventional prompt strike, I am surprised and troubled to see that the Senate Appropriations Committee has proposed cutting this program by almost half. I hope to work with my colleagues on both sides of the aisle to address this issue and restore full funding to conventional prompt strike in the coming months.

In the area of electronic warfare, our subcommittee has required the Commander of U.S. Strategic Command to coordinate and develop joint execution plans to operate and fight in a domain that includes electronic jamming and other means that disrupt our fragile electronic systems. Russia has a long-established doctrine in this area, but ours has been lacking. This provision will help reverse that trend.

In the area of missile defense, the subcommittee has fully authorized the President's budget request for the Missile Defense Agency and authorized additional funding for key development areas, including the redesigned kill vehicle, the multi-object kill vehicle, and an improved ground-based interceptor booster.

The NDAA also requires a review of DOD's strategy and capabilities for countering cruise and ballistic missiles before they are launched, and it directs the MDA to conduct a flight test of the GMD system at least once each fiscal year. The bill provides funding above and beyond the President's budget request for our collaborative missile defense programs with Israel, including Iron Dome, David's Sling, and Arrow systems. However, given the threat posed by Iran's growing ballistic missile arsenal, I believe these programs require additional funding, particularly for procurement related to David's Sling and the Arrow systems. These programs are more important than ever and have my full support.

In the area of space, the NDAA addresses a number of important issues

related to our critical satellite-based capabilities. This week we commemorated the 72nd anniversary of D-day. Anyone who knows the history of the Normandy invasion knows how critical a role weather forecasting can play in the success or failure of a mission. This year's bill pays close attention to DOD's ability to provide weather data to our troops around the world, particularly in CENTCOM's area of responsibility. Our current fleet of weather satellites is aging, and our subcommittee has taken DOD to task for its failure to adequately plan for the upcoming gap in cloud cover data over the Indian Ocean.

Whether we are talking about GPS, weather surveillance, or communications, our Nation's space-based capabilities are fundamentally dependent on our ability to get to space. There is no question that we must maintain the ability to send national security satellites into space with launch systems that are affordable and, above all, supremely reliable.

We learned a hard lesson on reliability in the late 1990s when we lost three national security satellites to launch failures. Those failures cost the taxpayer more than $3 billion and lost our Nation a critical communications capability that we didn't replace for more than a decade. Subsequently, years of monopoly in DOD space launch taught us a hard lesson about the necessity of competition for keeping costs down.

While we all agree on the need to maintain what is known as assured access to space, how we best meet that goal has become a topic of debate, particularly since our deteriorating relationship with Russia put a spotlight on the fact that DOD uses Russian rocket engines in many of its space launches. We need to end our Nation's reliance on Russian engines with the development of an American-made alternative. We have studied the facts on this issue in painstaking detail on the Strategic Forces Subcommittee for not just months, but years. The fact is, if we want to end our reliance on Russian engines without jeopardizing the reliability and affordability that are essential to a successful launch program, it is going to take another few years.

I am not satisfied with that. I want to see it happen faster. In the meantime, though, we have to take seriously the warnings of our military and intelligence community that eliminating access to the RD–180 engine prematurely, before a replacement is ready to fly, would seriously undermine our national security interests. As it currently stands, the NDAA would ban the use of RD–180 engines years before a replacement is ready and instead rely on the more expensive Delta rocket to fill the gap. I respect the careful thought behind this proposal and the effort to ensure that we don't create a capability gap. Ultimately this approach, though, would cost the taxpayer an additional $1.5 billion and divert funds from developing an American-made replacement engine and launch system to paying for these more expensive Delta launches. At a time when we continue to face budgetary challenges in defense and domestic spending, this is a cost and a risk we don't need.

With that in mind, I support the bipartisan amendment No. 4509 offered by my colleagues Senator NELSON and Senator GARDNER. This amendment grants DOD access to only those Russian engines it needs between now and 2022, when the Department has said a replacement will be ready. I believe this is the most responsible approach to a very difficult issue.

Let me close by again thanking Senator SESSIONS for the productive and bipartisan relationship we have had on the subcommittee. I also thank our full committee chairman, Senator MCCAIN, and our ranking member, Senator REED, for their leadership and their dedication to strengthening our national security and caring for our military.

I look forward to working with my colleagues to pass this important legislation and to see it signed into law.

Mr. President, I yield back any remaining time that has been allotted.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING CASSANDRA QUIN BUTTS

Mr. DURBIN. Mr. President, almost a year ago exactly I met with a remarkable woman. She was wise, gracious, and funny, but I think what struck me the most about her was her idealism. Cassandra Quin Butts believed in the revolutionary promise on which our Nation was founded; that all men and women are created equal. She spent her entire working life trying to expand that premise.

On the day we met, her nomination to serve as U.S. Ambassador to the Bahamas had been blocked for more than a year for reasons entirely unrelated to her qualifications. That did not make her cynical. It did not diminish her desire to serve. She just wanted to know if there was anything she could do to help. It was typical. Cassandra Butts asked the question, How can I help?

Sadly, Ms. Butts will never receive the vote she deserved on her nomination to be Ambassador. She died over a week ago at the far-too-young age of 50. She felt ill for a few days, had seen a doctor, and died peacefully in her sleep before learning of her diagnosis, acute leukemia.

Cassandra Butts was a longtime friend of President Obama and First Lady Michelle Obama. Ms. Butts and the future President met during their first days of Harvard Law School in the financial aid office. Neither one of them came from families that could simply write checks for tuition. In a statement mourning her passing, the President and First Lady remembered Ms. Butts and said as ''a citizen, always pushing, always doing her part to advance the causes of opportunity, civil rights, development, and democracy.''

''Cassandra,'' the Obama's wrote, ''was someone who put her hands squarely on that arc of the moral universe, and never stopped doing whatever she could to bend it toward justice.''

They continued. ''To know Cassandra Butts was to know someone who made you want to be better.'' Ms. Butts began her distinguished career in public service about a year after graduating law school. She worked as legal counsel to U.S. Senator Harris Wofford. After the Senate, she went to the NAACP Legal Defense and Education Fund, following in the footsteps of one of her heroes, former U.S. Justice Thurgood Marshall.

She returned to Capitol Hill in 1996 as a senior adviser to House Majority Leader Dick Gephardt and the House Democratic policy committee. From 2004 to 2008, she served as Senior Vice President for Domestic Policy at the Center for American Progress—with a few breaks in service to help her old friend. When Barack Obama was elected to the Senate in 2004, Cassandra Butts was there, helping him to get his office up and running.

Later, she helped her old friend the President launch his historic Presidential campaign. When he won, Cassandra Butts was there again to offer advice on transition. She stayed on to serve the President as Deputy White House Counsel. Among the lasting marks she leaves on our democracy, Cassandra Butts helped shepherd through this Senate the nomination of the first Latina ever to serve on the U.S. Supreme Court, Justice Sonia Sotomayor.

Ms. Butts was a remarkably humble person, especially for one who worked so close to power. She left the White House in November 2009 to serve as Senior Advisor at the Millennium Challenge Corporation. During her time there, she kept an exhausting schedule, traveling to some of the poorest places on Earth, searching for innovative ways to use America's leadership and ingenuity to help lift desperately poor people, especially women and children, out of crushing poverty.

It saddens me that Ms. Butts never had the opportunity to serve as Ambassador because she could have had so many ideas that she would have brought to represent America's values and help the people of the Bahamas.

She had hoped that being an African-American woman, it would help to underscore America's commitment to equality. While he waited for a vote on her nomination, Cassandra Butts represented our Nation well on the world

stage in a different capacity. She served with distinction as Senior Advisor to the U.S. Mission to the United Nations.

Accounts of her life will always lead off with the fact that she was a close friend of the President and First Lady, but that was only part of the story. Cassandra Butts was a friend to countless people around the world, from the famous to the voiceless. She was a seeker of truth and justice. She was also warm and funny, smart and passionate, deeply decent. She loved jazz, the UNC Tar Heels, fast cars, especially her BMW.

She left this world too soon and she will be missed. Loretta and I wish to extend our condolences to her many friends and family, especially her mother Mae Karim, her father Charles Norman Butts, her sister and brother-in-law, Deidra and Frank Abbott, her two nephews whom she adored, Austin and Ethan Abbott.

It is a sad reality that as I stand here today and pick up this publication on the desk of every Senator, the Executive Calendar for the Senate of the United States, and turn to look at it closely, I find in this calendar, on page 5, the name of Cassandra Butts, waiting for the Senate to approve her position as the Ambassador to the Bahamas.

She waited and waited and waited. Eventually she passed away, waiting on the Senate Calendar to serve this country. When the Senators who had a hold on her for all this period of time were asked: Why? Why did you hold up this woman, one of them was very candid and said: We knew she was close to the President, and if we stopped her, we knew the President would feel the pain. I hope today we all feel the pain that this lady can no longer have the distinction of ending her fabulous public career as our Ambassador representing the United States to the Bahamas.

I yield the floor.

The PRESIDING OFFICER (Mr. HOEVEN). The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I come to the Senate floor to talk about an issue I have worked on for a number of years and something I feel very strongly about; that is, our detention and interrogation policy. Since this administration has gotten into office, based on a campaign promise, the President has sought to close Guantanamo Bay.

This administration has continued to release individuals held at Guantanamo—dangerous terrorists, with backgrounds, whether it is involvement with Al Qaeda or involvement with the Taliban or other groups. Just recently, they have released another 11 individuals from Guantanamo Bay. One of the issues that has troubled me most about this is that I think it is very important the American people know what is going on, but so much of this is happening in the cloak of darkness. So much of it is an unwillingness of this administration to level with the American people about the terrorist affiliations and activities of current and former Guantanamo Bay detainees.

We have seen the most recent example of that which is troubling. On March 23 of 2016, Paul Lewis, the Special Envoy for Guantanamo Detention Closure, testified before the House Foreign Affairs Committee that there have been Americans who have died because of Guantanamo Bay detainees. He was asked about this in this House hearing. My assumption is one of the reasons he was asked about it is because 30 percent of those who were held at Guantanamo—terrorists who have been released from Guantanamo—are suspected or confirmed of reengaging in terrorism. Apparently, Mr. Lewis was asked, and he said there have been Americans who have died because of Guantanamo detainees who have been released.

So a fair question—a very important question—is to understand what these former detainees have done in terms of attacking Americans or our NATO allies who have worked with us to fight terrorists in places around the world. That was a question I posed to this administration. Based on what Mr. Lewis, who is the Special Envoy for Guantanamo Detention Closure said, I asked the administration for information about those who have been killed by Guantanamo detainees. On May 23 the administration responded to me, but their answers to my questions were classified in such a way that even my staff with a top secret security clearance could not review the response. I was able to review the response.

What I want to be able to do is to give information to the American people so they can understand the response, because this administration continues to push to close Guantanamo. They continue to release terrorists from Guantanamo to countries around the world, and they continue to refuse to tell the American people—hiding behind classification—who the people are who are being released in terms of their backgrounds and in terms terrorist affiliations. They have been releasing a name and the country they are transferred to—but no information to the American people about the terrorist background of these individuals, no information to the American people about how these individuals have been released, what they have been engaged in, and whether they have been engaged in prior attacks on Americans or our allies. I believe the American people have a right to know.

On Tuesday I also wrote a followup letter to the President urging him to provide without delay an unclassified response to understand how many Americans and our NATO partners have been killed by former Guantanamo detainees and which former detainees committed these terrorist attacks, so we can understand what we are facing.

Unfortunately, we don't know. But in the Washington Post today there was an article that reported that 12 former Guantanamo detainees were involved in attacks on Americans after their release. The estimate in the Washington Post report says that these detainees have killed about a half dozen Americans.

Why should the American people have to rely on the ability of the Washington Post to talk to people off the record to try to find out exactly what the activities are of these terrorists whom the administration continues to release without full information to the American people? I appreciate the reporting of the Washington Post, but I believe the American people deserve an answer directly from this administration. Since Mr. Lewis testified that Guantanamo detainees have been involved in killing Americans, the administration has released 11 more detainees from Guantanamo, with more than two dozen likely to be released in the coming months. Again, 30 percent are suspected or confirmed of reengaging in terrorism—people such as Ibrahim al-Qosi, affiliated with Al Qaeda in the Arabian Peninsula, who was released by this administration in 2012 to Sudan. He has joined back up with Al Qaeda in the Arabian Peninsula, which is headquartered in Yemen.

Previously, what has been revealed about him publicly is that he trained at a notorious Al Qaeda camp as a member of Osama bin Laden's elite security detail.

What is more troubling is that he is now back with Al Qaeda in the Arabian Peninsula. He is a leader and a spokesman for this group, and he is urging attacks on American and our allies. That is what is at stake when we think about the security of the American people. Yet the policy that this administration and this President keep pushing is to close Guantanamo. They are trying to take de facto steps to close Guantanamo by releasing people without information to the American people.

In this Defense authorization bill that is pending on the floor, in the Armed Services Committee I have included a provision that would prohibit international release or transfer of any detainee from Guantanamo until the Department of Defense submits to Congress an unclassified report on the individual's previous terrorist activities and affiliations, as well as their support or participation in attacks against the United States or our allies.

The administration keeps claiming that it is in the best interests of the United States—in our national security interests—to close Guantanamo.

I fully disagree with that argument. But if that is what they really believe, why have they not told the American people, when they release the terrorists who are held at Guantanamo, whom these people have been involved with and whether they have been involved with attacks on Americans or our allies. Instead, they give the name and

the country they are going to. That is all they are telling the American people. If it is in our national security interests, they will fully tell the American people why they believe in transferring or releasing these terrorists to third-party countries, and they will tell the American people the truth about who is being released and what they have been involved in. I think the American people, if they know that information, will side with my view of this, which is that to close Guantanamo—especially by releasing dangerous individuals who are there, with 30 percent of them suspected or confirmed of getting back into battle—is against our national security interests and makes us less safe.

I ask, no matter where you stand in this body on the closure of Guantanamo, don't we owe it to the American people to tell them? When they are releasing individuals from Guantanamo, doesn't the administration owe to the American people what terrorist group this person is affiliated with? Has this person ever been involved with the attack of Americans or our allies? Don't the American people deserve this basic information?

The American people need to know who is being released, why they are dangerous, and what is happening in terms of our national security interests, because I believe they are being undermined greatly by continuing to release terrorists who get back in the fight. The last thing our men and women in uniform or any of our allies should see is a terrorist whom we had previously captured and was at Guantanamo.

I hope the administration will live up to its transparency policy, because when it comes to releasing dangerous detainees from Guantanamo—some of whom have gotten back in the fight, and 30 percent are suspected or confirmed of getting back in the fight of terrorism against us—the American people deserve information about what is happening and what danger these individuals pose to us and our allies.

I yield the floor.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I think it is very obvious that in the authorization bill we placed limitations on the use of Russian rocket engines. It is already known that in the appropriations bill there is basically an unlimited purchase of Russian rocket engines, much to the testimony of the military-industrial-congressional complex.

I will be showing how Russians who have been sanctioned by the United States of America, under Vladimir Putin, will directly profit from the continued purchase of these Russian rocket engines. And in the negotiations that I have been trying to move forward so I could satisfy the appropriators, there is no doubt who has the veto power. We know who they are talking to—the people I am negotiating with—Boeing, Lockheed, and the outfit called ULA, which is the two of them.

This is a classic example of the influence of special interests over the Nation's priorities. But more importantly, they are so greedy that they were willing to put millions of dollars into the pockets of these individuals, two of whom have been sanctioned by the United States of America and one of whom has been sanctioned by the EU—cronies of Vladimir Putin. It is really remarkable, this nexus of special interests that end up profiting for these individuals millions of dollars, which I will talk about in a minute.

Really, my friends, I say again that this is why we see the American people being cynical about Washington—this tight relationship between this conglomerate of two of the biggest defense industries in America—Boeing and Lockheed—and we end up with an expenditure of tens of millions of taxpayer dollars. It is really remarkable.

In the authorization bill we put a strict limit on it, and in the Committee on Appropriations, which we already know about, it is basically an open door. So that is why I was trying and will continue to try to have a simple amendment which says that we will not provide money to any company or corporation that would then profit these people who have been sanctioned by the United States of America in two cases, and in one case by the European Union. Why have they been sanctioned? Because of their invasion of the Ukraine.

So when we talk about things that are unsavory, this is probably one of the most unsavory issues I have been involved in during my many years here. It was 2 years ago when Vladimir Putin began his campaign in Eastern Europe, dismembering a sovereign nation. Today, we are facing an increasingly belligerent Russian Government, and we know that Putin continues to occupy Ukraine, he threatens our NATO allies, and he bombs U.S.-backed forces in Syria that are fighting against Bashar Assad's murderous regime. His tactical fighter jets buzz, with impunity, U.S. ships in the Baltic, putting the lives of U.S. personnel at risk, and all the while American taxpayers continue to spend hundreds of millions of dollars to subsidize Russia's military industrial complex.

You don't have to take my word for it. You don't have to take my word for it. Here is a letter I received a few days ago. And let me tell you who has signed it before I read it: The Honorable Leon Panetta, former Secretary of Defense; GEN Michael Hayden, former Director of the Central Intelligence Agency, former Director of the National Security Agency; Michael J. Morell, former Deputy Director and Acting Director of the Central Intelligence Agency; Michael Rogers, former chairman of the House Permanent Select Committee on Intelligence; ADM James Stavridis, former Supreme Allied Commander at NATO. These individuals have some credibility—more on this issue, I think, than almost anybody else.

Let me tell you what they write. And this letter is to Senator REED and me:

> We write to endorse the bipartisan effort you both have led to include language in the National Defense Authorization Act to phase out U.S. reliance on Russian technology for the space launch systems that deliver our vital and most sensitive satellites.

They go on to talk about how important reliable access to space is. I am continuing to quote now from their letter:

> Fortunately, we now have an American industrial base with multiple providers that can produce All-American-made rocket engines.

And these are people such as the head of the Central Intelligence Agency saying, ''There is no need to rely on Putin's Russia for this sensitive, critical technology.''

The letter goes on to talk about Russia's aggressive intervention in Ukraine and Crimea, and meddling in Syria. Quoting again from the letter:

> The threat from Russia is rising, as the committee knows well. Last summer, Chairman of the Joint Chiefs of Staff General Joseph Dunford said that Russia poses an ''existential'' threat to the United States, calling Russia's actions ''nothing short of alarming.''

The list goes on and on about other things. But here is a very important point from these experts:

> For years, Russia has helped fund its growing military with capital derived from the sale of rocket engines to the United States. Russian officials have referred to U.S. purchases of these engines as ''free money'' for modernizing its missile sector, and have frequently leveraged the Department of Defense's dependence on these engines as a bargaining chip in unrelated foreign policy disputes.

They go on to talk about the Defense authorization bill for the last 2 years passing new legislation to address this national security challenge. And they say:

> Under a proposed congressional transition plan, the Russian engine would be phased out no earlier than 2020.
>
> We believe this proposed policy is wise and would prevent unnecessary expenditures on Russian-made rocket engines in support of Russia's industrial base. This policy guarantees assured access to space by increasing reliance on existing, American-made systems, providing an eminently reasonable solution to ending Russia's involvement in the Department of Defense's space launch program.

I want to tell my colleagues that this comes from both sides—Republican and Democrat administrations—and from some of the most reliable intelligence people we have ever had serve our country: Leon Panetta, General Hayden, Michael Morell, Michael Rogers,

Admiral Stavridis. I have heard from many others in the same way.

So here we are with a clear influence of ULA, which is Lockheed and Boeing—two of the largest defense industries in America with, guess what, their launches in Alabama and, guess what, their headquarters in Illinois. Guess who is leading the charge to continuing to place basically unending dependence on Russian rockets. Guess who. You can draw your own conclusion.

So let me go on. Let's talk about these individuals for a minute. I would like to discuss how continuing to buy these RD–180 engines would have us do business with a Russian Government and directly enrich Putin's closest friends who are a group of corrupt cronies and government apparatchiks, including persons the United States and the European Union have sanctioned in relation to Russia's invasion of Ukraine and the annexation of Crimea.

With the swift stroke of a pen just a few days ago, on May 12, 2016, Putin signed a decree that reorganized Russia's entire Russian space industry and consolidated all of its assets under a massive ''state corporation'' called Roscosmos. Under Putin's directive, Roscosmos swallows up these other outfits—the Russian launch company that supplies the rockets to, guess who, United Launch Alliance. This new state-owned space corruption, in fact, swallows up dozens of other Russian companies.

To be clear, Roscosmos is not a privately owned corporation facilitating business with the Russian Government. It is the Russian Government. As a state corporation, it furthers state policy and is controlled by apparatchiks who have agency authority from Putin to do his bidding. So there should be no confusion; Roscosmos is part of the very same military industrial base that conducts bloody operations in Ukraine and Syria.

Under Roscosmos, Putin is no longer using Russian shell companies or offshore corporations to sell Russian rocket engines to line the pockets of his most trusted friends. Roscosmos is directly controlled by many of them. If you look at their highest level, the individuals who control the company look like a who's who of U.S. sanctions—officers and directors who have been individually sanctioned by the United States or the European Union or control other companies that have been similarly sanctioned in connection with Russia's invasion of Ukraine.

Let's start with Sergey Chemezov. There he is. Sergey Chemezov is the man at the very top of this chart. Chemezov is the most influential member of the Roscosmos supervisory board and appears to finance operations of Roscosmos through a bank he controls as part of his giant, state-owned defense corporation, Rostec.

As CEO of Rostec, Chemezov controls roughly two-thirds of Russia's defense sector and employs more than 900,000 people, which is approximately 1.2 percent of the whole Russian workforce. This has led some in the Russian government to refer to him as the ''shadow defense industry minister.''

More importantly, Sergey Chemezov is a former KGB agent who was stationed with Putin in Communist East Germany during the 1980s. The two lived together in an apartment complex in Dresden. Chemezov is said to be Putin's KGB mentor. Chemezov acknowledges that his ties to Putin gave him a competitive business advantage, but the truth is that his meteoric rise was fueled by a series of Kremlin-backed takeovers of prominent Russian companies, and now Roscosmos has been added to the list. Both Chemezov and his state-owned defense corporation Rostec are targeted by U.S. sanctions. I repeat, they and his company are targeted by U.S. sanctions, as is the Rostec-owned bank Novikombank, which finances Roscosmos's operations.

Next in the organizational chart we have Igor Komarov, who will serve as Roscosmos' chief executive officer. He has been sanctioned by the European Union. Recently, he was the head of Russia's largest car manufacturer. This car manufacturer also happened to be taken over by Chemezov's behemoth defense corporation Rostec, and Chemezov later served on the company's board as both chairman and deputy chairman. Komarov is Chemezov's protégé.

To put it simply, Chemezov handpicked Komarov—a man with little or no experience in the space industry—to run Roscosmos. Chemezov leveraged his position as CEO of Rostec and his access to Putin to make sure that Roscosmos's new head is someone he can control. This gives Chemezov the ability to manage Roscosmos from the shadows, much as he has done with Russia's defense industry. Think of Komarov's relationship to Chemezov as Dmitry Medvedev's relationship to Putin.

Finally, we have Dmitry Rogozin. Yet another target of U.S. sanctions, Rogozin has served as Deputy Prime Minister of the Russian Federation and as the so-called space czar since 2011. Remember, he has been sanctioned by the United States of America; he is now the space czar in Russia. He is also the chairman of Roscosmos's board of directors and has overseen the transition of Roscosmos into its new form, a massive state-owned corporation.

Not surprisingly, during his tenure, Rogozin has been part of a period of unprecedented corruption. He has publicly acknowledged ''a systemic crisis from which the space agency is yet to emerge.'' He also attributes recent financial scandals and criminal activities to a ''moral decline of space industry managers.'' I want to emphasize this. These are Rogozin's words, not mine. The Russian space czar, who has overseen the restructuring of Roscosmos, publicly admits that individuals running the state-owned corporation are hopelessly and fatally corrupt.

In May 2015, the Russian Audit Chamber reported that in fiscal year 2014 alone, Roscosmos misallocated approximately $1.8 billion. In fact, the money wasn't misallocated; it simply disappeared. The report cited gross financial violations, such as improper use of funds, misuse of appropriated funds, and violations in financial reporting methods. The number was so high that Russian auditors at first thought they must be wrong. They finally concluded that ''[the original Roscosmos organization] is among the biggest and least disciplined [of government agencies] that blatantly ignore regulatory requirements and best practices in state procurement orders.'' And this is from Russia's own internal government watchdog, the rough equivalent of the U.S. Government Accountability Office, GAO.

My friends, as conscientious Americans, we simply cannot continue to do business with this group of self-admitted swindlers and crooks. We cannot support a Russian space agency that is financed by a sanctioned Russian bank, owned by a sanctioned Russian defense company, and controlled by a sanctioned Russian CEO who also happens to be a former KGB agent and close personal friend of Vladimir Putin's.

It is time we found the moral courage to end our reckless dependency on Russian technology before the Russian Government ends it for us. Rogozin has already threatened to cut off our access to space. Just last year, he declared:

> We are not going to deliver the RD–180 engines if the United States will use them for non-civil purposes. We also may discontinue servicing the engines that were already delivered to the United States.

Despite these threats, we still manage to funnel hundreds of millions of dollars to Chemezov, Komarov, Rogozin, and countless other Russian stooges just like them. We continue to supply Vladimir Putin with the very capital he needs to wage his deadly shadow war in Europe and the Middle East. We don't need to buy any more engines from Russia. The Secretary of Defense, the Secretary of the Air Force, and the Director of National Intelligence have all testified to that point before the Senate Armed Services Committee. Former Secretary of Defense and Director of the CIA Leon Panetta, former CIA Director and NSA Director Michael Hayden, former Deputy CIA Director Mike Morell, and others, including the former European Command commander and others, all endorse our efforts in this bill to responsibly end our reliance on Russian rocket engines.

I am here to tell you that we are subsidizing the Russian military industrial complex at the expense of our own national interests, and we must end this dangerous addiction before it is too late.

So here we are, my friends, with a blatant, incredible story of people who

are so involved in the Russian invasion of Ukraine that they were sanctioned. They were sanctioned by the United States of America and other countries. They are now in charge of the Russian rocket program. They are the ones into whose pockets go the hundreds of millions of dollars we spend on these Russian rockets.

We have this incredible alliance of Boeing and United that is unbelievable in this consortium of the two biggest defense industries in America that has such control over this body that we will continue to subsidize and pay hundreds of millions of American dollars to corrupt crooks—people and money that will fuel Putin's activities. And we all know that his indiscriminate bombing in Syria is slaughtering thousands of innocent people and driving thousands into refugee situations. It is Vladimir Putin who is bombing the people we train and equip.

By the way, as we might have seen in the last couple of days, Bashar al-Assad has said that there is going to be no peace, that he is going to regain control of the entire country of Syria, making a farce and a joke out of the so-called ceasefire that was orchestrated by our Secretary of State, who went to Moscow on bended knee to beg his buddy Lavrov to agree to a ceasefire that really never existed.

The point is, we do have a supply of rocket engines. Admittedly, they are more expensive. I will freely admit that. But we also have a number of other corporations—not just SpaceX but Blue Origin, and there are a number of others—that are developing rocket engines. If we look at what SpaceX just did, they were able to land a rocket for the first time so it is reusable. Their space launch—they were reusing it. There will be other breakthroughs thanks to these entrepreneurs like Elon Musk and Jeff Bezos and others who are taking charge, when this old consortium, this old military industrial complex called ULA, is running things and we are paying them $800 million a year to do nothing but stay in business.

My friends, I would also point out one other aspect of this. The Appropriations Committee's job is to appropriate. It is the authorizing committee that does the authorizing. What was in the appropriations bill in numerous places was a gross violation of the area of responsibility of the authorizing committee.

I don't know exactly what we can do about this creeping policymaking on the part of the appropriators, but I hope that at some point—the majority on both sides are not members of the Appropriations Committee, but they are members of various authorizing committees. Sooner or later, they are going to get tired of authorizing certain programs and authorizing after debate and hearings and all the things that—for example, I guarantee you that the Senate Armed Services Committee has had 10 times the number of hearings and debates and amendments and markups that the Defense Appropriations Subcommittee has had. I guarantee you that. So they take it upon themselves on an issue such as this to put in their own version, which is obviously controlled by Alabama and Illinois.

So that is what is wrong with this system. That is what is wrong with this body. That is what is wrong. And the American people are beginning to figure it out, and they don't like it, and they shouldn't like it.

I pointed out yesterday—and lost a vote—that in 1992 we spent $20 million on medical research out of the Defense appropriations, out of American tax dollars. Today, it is $1 billion worth of medical research, most of which has nothing to do with the men and women who are serving this country.

I note the presence of the Senator from Colorado. I am sure he may even know these individuals. I would like for him to meet them, because they are crooks. They are crooks, they are corrupt, and they are butchers. So I would like for him to meet them as he continues to advocate for the status quo, which is a totally unacceptable expenditure of American tax dollars which, indeed, are used to kill Americans. That is a heavy responsibility, I would say to my new friend in the Senate, the Senator from Colorado. That is a heavy responsibility. These guys are killing people, and we are subsidizing these murderers and thugs. That is not something I would be proud of.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Mr. President, I have great respect for my colleague from Arizona. The service he has given to this country and the sacrifices he has endured are tremendous, and nobody can underestimate what he has done for this Nation.

I don't think anybody here would ever think they have done that in whatever legislative action they take. So while we may disagree on certain issues or agree with a different course of action, I believe everybody wants to do what is best for their Nation.

When it comes to this particular issue of having access to space, having reliable access to space, maintaining competition in our industry so that we can provide the best value and cost savings to the American taxpayer while achieving the level of security we need, that is where I believe this debate is rightfully focused, and that is also where the debate from our own Department of Defense is focused.

Nobody in this Chamber wants to continue the status quo. In fact, I have filed an amendment with Senators NELSON, BENNET, HATCH, INHOFE, and SESSIONS—a number of people who believe we should end the status quo and go in a new direction. In fact, that is what this entire debate is about, to make sure we no longer have to rely on the rocket as we do today. But we cannot leave the security of this country blind to capacities that we would lose if we pursued the direction of the Defense Authorization Act as it is written today, because if we pass this legislation, there are assets that will protect the people of this country that we may not be able to put into space. And if we do, in this bill is language that will cost up to $1.5 billion because that is what this bill will force to be done—legislation that will result in a $1.5 billion to $5 billion tax increase.

I just supported an amendment to add dollars to our defense and security because I believe it is important that the men and women of this country have the tools and the resources they need to protect and defend themselves. I supported that—billions of new dollars. Yet the actions under this bill would cost the American taxpayers somewhere between $1.5 billion and $5 billion in more money. While we are adding more money, we are taking it away with passage of this act, while reducing reliability, reducing access to space, and reducing competition. I believe as organizations like the Tea Party Patriots, organizations like AEI, organizations across the country that believe we can do better, that we should keep competition, that we should keep reliability—those are the things we believe in.

Let me read comments by Defense Secretary Ash Carter, the Secretary of Defense, who is truly interested in making sure we protect the people of this Nation from bad actors:

> We have to have assured access to space, so we have to have a way to launch our national security payloads into space so our country's security depends on that. One way to do that which is reflected in our budget is to continue to use the Atlas booster including a limited, but continuing number of RD–180 engines.

Air Force Secretary Deborah Lee James on January 27, 2016:

> Maintaining at least two of the existing systems until at least two launch providers are available will be necessary to protect our Nation's assured access to space.

This is coming from somebody who believes we need to protect this country and the people of this country from bad actors. She goes on to say:

> As we move forward, we respectfully request this committee allow the Department the flexibility to develop and acquire the launch capabilities our warfighters and Intelligence Community need.

Assistant Secretary of the Air Force, William LaPlante, July 16, 2015:

> We believe authorization to use up to 18 RD–180 engines in the competitive procurement and award of launch service contracts through Fiscal Year 2022 is a reasonable starting point to mitigate the risk associated with assured access to space and enable competition.

This is somebody who is interested in protecting the people of this country from bad actors—people who would do harm, people who would do evil acts to this country and our allies.

Assistant Secretary of Defense for Acquisition, Katrina McFarland, June

26, 2015, talks about the need for this program.

Intelligence Director James Clapper and Defense Secretary Ash Carter on May 11, 2015, together said:

> We are working diligently to transition from the Russian-made RD–180 rocket engine onto domestically sourced propulsion capabilities, but are concerned that section 1608 presents significant challenges to doing so while maintaining assured access to space.

They care about the security of this Nation. They care about the secure future of this Nation.

In fact, just a few days ago, in an article from former General Shelton, four-star commander in the U.S. Air Force, he talked about the need to move away from these rockets to transition to an American-made rocket but in the meantime not allow our capacity, our capability, or our competition to suffer.

Here is what it would cost. This is what it would cost. Here is the graph. This is what the American taxpayers would be paying—35 percent more, $1.5 billion to a $5 billion increase in spending if the language of the bill, as it is written today, goes into law. That is not some staffer in the cloak of darkness in the mailroom trying to come up with figures. That is what the experts agree will happen.

While this body is talking about there is not enough money to fund defense, while this body is voting on amendments to increase spending on defense, the same policies enshrined in this bill would cost up to $5 billion more. If we truly want to make sure we have the resources needed to defend this country, let's not self-inflict $5 billion worth of harm when we all agree to transition to an American-made system. Let's do so in a way that relies on the ability to do what is right with competition, with reliability, instead of transitioning to a system that can't even reach 60 percent of projected NSS needs—national security space mission needs—unless you use a 35 percent more expensive rocket.

General Shelton believes we should keep this rocket—a five-star general in the U.S. Air Force, Russian rocket engines are essential for now. General Shelton begins: ''The U.S. Senate is debating the 2017 National Defense Authorization Act.'' An amendment proposed ''would provide relief'' from restrictions that we are facing right now, ''recognizing that the current draft legislation would significantly harm the national security space program.''

A four-star general in service to our Nation has said that if we don't change the bill as it is written, it would significantly harm the national security space program. General Shelton is the former commander of Air Force Space Command. I think he knows what he is talking about. I think he is an expert.

I could read more quotes from others. The NASA Administrator believes that without this language, we are going to increase costs in NASA, not just the Department of Defense, and we are going to hurt our ability to access space and access launches.

You talk to the intel communities—intel communities that believe they would lose the capacity to launch satellites that provide missile launch detection that can protect our people and our country.

Yes, let's make sure we transition, yes, let's make sure we change the status quo, but let's do it in a way that is smart, good policy, and protects the interests of the American people. That is what this amendment is about, and we can all agree to that.

Mr. President, I would like to change topics quickly, if I could.

MARION KONISHI AND CAMP AMACHE PILGRIMAGE

Mr. President, just a couple of weeks ago in Colorado, Channel 9 News in Denver reported that a bus was going to leave Denver to make a 4-hour drive to a place called Amache. It is where some 7,000 people lived, worked, and called home during much of World War II. Ten weeks after the Japanese bombed Pearl Harbor, President Franklin Roosevelt signed Executive Order 996, creating internment camps for people of Japanese descent. One of those camps was in Colorado.

Just a couple of weeks ago marked the 40th year that Japanese Americans have made a formal pilgrimage to that camp. Those 7,000 people lived in barracks, formed their own schools, planted gardens, and had beauty parlors and Boy Scout troops. Their sons volunteered to fight and die for the country that imprisoned their parents. Many of the visitors to the camp were elderly, in their nineties. There were some college students who made the visit as well, but amongst the people who visited Camp Amache just a couple of weeks ago was the valedictorian of the 1943 Amache Senior High School class. Her name is Marion Konishi. It was her first visit to Camp Amache since she left the camp more than 70 years ago. She was a valedictorian, and 73 years ago she gave a speech as the head of her class. Just a few weeks ago, she returned to Camp Amache where she reread that speech again for the first time.

I thought I would read excerpts of that speech today, her speech titled ''America, Our Hope is Anew,'' June 25, 1943.

> One and a half years ago I knew only one America—an America that gave me an equal chance in the struggle for life, liberty, and the pursuit of happiness. If I were asked then—''What does America mean to you?''—I would answer without any hesitation and with all sincerity—''America means freedom, equality, security, and justice.''
>
> The other night while I was preparing for this speech, I asked myself this same question—''What does America mean to you?'' I hesitated—I was not sure of my answer. I wondered if America still means and will mean freedom, equality, security, and justice when some of its citizens were segregated, discriminated against, and treated so unfairly. I knew I was not the only American seeking an answer.
>
> Then I remembered that old saying—all the answers to the future will be found in the past for all men. So unmindful of the searchlights reflecting in my windows, I sat down and tried to recall all the things that were taught to me in my history, sociology, and American life classes. This is what I remembered.
>
> America was born in Philadelphia on July 4, 1776, and for 167 years it has been held as the hope, the only hope, for the common man. America has guaranteed to each and all, native and everyone foreign, the right to build a home, to earn a livelihood, to worship, think, speak, and act as he pleased—as a free man equal to every other man.
>
> Every revolution within the last 167 years which had for its aim more freedom was based on her constitution. No cry from an oppressed people has ever gone unanswered by her. America froze, shoeless in the snow at Valley Forge, and battled for her life at Gettysburg. She gave the world its greatest symbols of democracy: George Washington, who freed her from tyranny; Thomas Jefferson, who defined her democratic course; and Abraham Lincoln, who saved her and renewed her faith.
>
> Sometimes America failed and suffered. Sometimes she made mistakes, great mistakes, but she always admitted them and tried to rectify all the injustice that flowed from them. . . . Her history is full of errors but with each mistake she has learned and has marched forward onward toward a goal of security and peace and a society of free men where the understanding that all men are created equal, an understanding that all men whatever their race, color, or religion be given an equal opportunity to save themselves and each other according to their needs and abilities.
>
> I was once again at my desk. True, I was just as much embittered as any other evacuee. But I had found in the past the answer to my question. I had also found my faith in America—faith in the America that is still alive in the hearts, minds, and consciences of true Americans today—faith in the American sportsmanship and attitude of fair play that will judge citizenship and patriotism on the basis of actions and achievements and not on the basis of physical characteristics.
>
> Can we the graduating class of Amache Senior High School, still believe that America means freedom, equality, security, and justice? Do I believe this? Do my classmates believe this? Yes, with all our hearts, because in that faith, in that hope, is my future, our future, and the world's future.

To Marion Konishi, today Marion Kobukata, her husband Kenneth, who served in the 442nd, thank you for sharing these words 73 years later.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, you have a choice here. You can believe the Senator from Colorado where there is substantial presence of ULA—an outfit that makes a lot of money—or you can believe Leon Panetta, former Secretary of Defense, former Director of the Central Intelligence Agency; Gen. Michael Hayden, former Director of the CIA, former Director of the National Security Agency; Michael Morrell, former Deputy Director and Acting Director of the Central Intelligence Agency; Michael Rogers, former chairman of the House Select Committee on Intelligence; ADM James Stavridis, and there are many more. All of them are saying they support what I am trying to do. It is interesting that the

Senator from Colorado would completely ignore the view and position of the most respected people in America.

I respect the Senator from Colorado. I do not compare his credentials to that of the former Secretary of Defense. By the way, Americans for Tax Reform is in opposition to the proposal to lift the ban on the rocket engines. They point out America has spent over $6 billion—$1 billion that they have spent on this.

Also, there was an interesting incident that happened maybe a couple of months ago where an individual who is an executive from this outfit called ULA made a speech that had a lot of interesting comments in it. He obviously didn't know that it was being recorded. The interesting thing is that this man, Brett Tobey, vice president of engineering for ULA, said during a lecture at the University of Colorado in Boulder, CO, last week that the Department of Defense had ''bent over backwards to lean the field to ULA's advantage in a competition with new market entrant SpaceX.'' An executive of ULA alleges that the Defense Department bent over backwards to lean the field in favor of ULA. If that isn't a graphic example of what is going on here, then I don't know what is. He also said that because of the SpaceX competition, they were going to have to make cuts in their workforce and change the way they do business. For all of these years they have not had any competition, but the Defense Department has bent over backwards to lean the field to ULA's advantage in a competition with the new market entrant Space Exploration Technologies.

I wish to remind the Chair that about 10 years ago there was an idea for Boeing to build a new tanker. It smelled very bad. I, my staff, and others pursued it, and it ended up with executives from Boeing going to jail. Unfortunately, this is another one of those examples that contributes to the profound cynicism of the American people about how their money is spent.

My colleagues have a choice. They can believe the Senator from Colorado, and I am sure that the Senator from Illinois will come to the floor because that is where Boeing is headquartered. They will talk about all of these things, and then you can compare that with Leon Panetta—probably one of the most respected men in America and one of the great Secretaries of Defense—General Hayden, Michael Morell, Michael Rogers, James Stavridis, and all of these people who have no dog in this fight. They don't have anything based in their State that would affect their State's economy. They have a wealth of experience. I would imagine there is at least a century worth of experience in defense amongst these individuals. In no way do I disparage the experience of the Senator from Colorado, but I will match these guys against his any day of the week. They have no dog in this fight nor do they have a corporation based in their State.

After all of these years on the Senate Armed Services Committee, I know when something smells bad, just as I did with the Boeing tanker, and people ended up in jail. This stinks to high heaven.

I yield the floor.

The PRESIDING OFFICER (Mr. CASSIDY). The Senator from Colorado.

Mr. GARDNER. Mr. President, I will continue to state the number of people who believe it is important that we approach this from the standpoint of an amendment that Senator NELSON and I have filed, along with a bipartisan group of legislators.

I will begin with Gen. Mark Welsh, Air Force Chief of Staff. This is testimony before the Senate Appropriations Defense Subcommittee in 2015.

> [V]irtually everybody agrees that we would like to, as the United States of America, not be so reliant on a Russian engine going forward into the future. . . . But the question is how to do it and when will we be ready, because we don't want to cut off our nose to spite our face. . . . all of the technical experts with whom I've consulted tell me this is not a one or two or three-year deal. You're looking at maybe six or seven years to develop an engine and another year or two beyond that to be able to integrate.

Of course, our amendment would cut it off at 2022 because we believe that is the transition we would need in order to provide the kind of security that the people of this country expect.

Let me show some of the national security missions that will be delayed if we don't have the ability to use all of the components of our current rocket set today.

The space-based infrared system warning satellites that are designed for ballistic missile detection from anywhere in the world, particularly countries like North Korea, would be delayed. I had the opportunity to go to South Korea just last week where I met with General Brooks who talked about the need for us to provide more intelligence over North Korea. The day we were there, North Korea once again tried to launch a ballistic missile. Thankfully it failed, but what happens if it doesn't fail? Are we going to be able to have the space-based infrared system in place that we need to be able to protect the people of this country? Because if they succeed and we don't know, that is catastrophic.

The Mobile User Objective System and Advanced Extremely High Frequency satellite system designed to deliver vital communications capabilities to our armed services around the world would both be delayed. According to a letter dated May 23 from the Deputy Secretary of Defense—again somebody who is very much interested in the future and current security of this country—''losing/delaying the capability to place position and navigation, communication, missile warning, nuclear detection, intelligence, surveillance, and reconnaissance satellites in orbit would be significant.''

The Administrator of the National Aeronautics and Space Administration said before the Senate when asked about what would happen with the loss of these rockets: They are counting on these rockets to be able to get the number of engines that would satisfy the requirements for NASA to fly the Dream Chaser when it comes around in 2019.

The Dream Chaser already has a resupply service contract for the International Space Station. It is designed to fly on top of one of these rockets. If we were to change that, it would no longer have that rocket available, and they would undergo significant cost and delay in trying to retrofit the rocket just like the Orion space program.

We can talk about more experts. In April of 2015, the Under Secretary of Defense for Acquisition, Technology and Logistics said:

> There's going to be a period of time where we would like to have the option, possibly, of using RD–180s if necessary. There are much more expensive options available to us but we prefer not to go that way.

We have shown the chart of how expensive it would be, and now I want to show one final chart.

When we talk about how much money is being spent on rocket engines, I would like to point out this chart. If we are concerned about cronies from Russia, then let's talk about other areas where we are importing from Russia.

This is from 2013. If you look at where we are, engines and motors represent .32 percent of this pie chart. That is how much money is being spent on importing engines and motors from Russia. Let's look at something like nickel. Nickel is .59 percent of our imports from Russia. Arms and ammunition are .56 percent, more than engines and motors. Here is an interesting one. Fish, crustaceans, and aquatic invertebrates are 1.2 percent of our imports from Russia. Engines and motors represent only .32 percent of that.

We are going to continue to have a very good debate in this body. I think Members can come at this from a different approach, and I look forward to working out a solution that all Members can be proud that we have done what is best for our country, our taxpayers, and our security.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I know the Senator from Utah is waiting.

We have a choice: Believe those who have a vested interest in continuing this purchase of Russian rocket engines or believe some of the most respected people in America who say we don't need to do it. That is what the choice is here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I rise today to discuss and urge my colleagues to support amendment No. 4448, the due process guarantee amendment.

This amendment addresses a little known problem that I believe most Americans would be shocked to discover even exists. Under current law, the Federal Government has proclaimed the power—has arrogated to itself the power to detain indefinitely, without charge or trial, U.S. citizens and lawful, permanent residents who are apprehended on American soil.

Let that sink in for just a minute. If you are a U.S. citizen or a U.S. green card holder and you are arrested on American soil because you are suspected of supporting a terrorist group or other enemy of the United States, the Federal Government has claimed the power to detain you indefinitely without formally charging you or without offering you a trial.

I am not talking about American citizens who travel to foreign lands to take up arms against the United States military and are captured on the battlefield. I am talking about U.S. citizens who are apprehended right here in the United States of America.

Under current law, even they can be imprisoned for an unspecified—in fact, unlimited—period of time without ever being charged and without the benefit of a jury trial to which they are entitled.

You don't need to be a defense attorney to recognize what an outrage this is. Arresting U.S. citizens on American soil and then detaining them indefinitely without charges or a trial are obvious deviations from the constitutional right to due process of law.

The last time the Federal Government exercised such power and did so without congressional authorization was during the internment of Japanese Americans during World War II. Congress responded by passing a law to prevent it from happening again. Of course, such legal protection should not need to be codified into Federal statute in the first place, but they did it anyway.

The Fifth Amendment of the Constitution states in no uncertain terms that no person shall be deprived of life, liberty, or property without due process of law. Then again, as James Madison reminded us, if men were angels, no government would be necessary.

In the wake of World War II, Congress passed and President Nixon signed the Nondetention Act of 1971, which states: ''No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.'' Those last few words are absolutely crucial: ''except pursuant to an Act of Congress.'' The Nondetention Act of 1971 recognized, as I believe most Americans do, that in some cases—in some grave, treacherous, unfortunate cases—indefinite detention of U.S. citizens may, in the eyes of some, be deemed necessary, but the point is that the Federal Government does not inherently possess the power of indefinite detention. The extent to which such power can even be said to exist within our constitutional framework at all is a question that many of us would regard as at least debatable.

Certainly only an act of Congress, such as an authorization for the use of military force, or AUMF, or perhaps a declaration of war can give the Federal Government that power. Fast forward 40 years, and this important legal protection has eroded.

In 2011, 40 years after the passage of the Nondetention Act of 1971, Congress passed its annual National Defense Authorization Act for fiscal year 2012, the predecessor of the bill that we are considering today. In that version of the NDAA, there was a provision, section 1021, giving the Federal Government the power to detain U.S. citizens indefinitely without trial, even those who were apprehended on American soil. It may sound as though section 1021 meets the ''Act of Congress'' threshold established by the Nondetention Act of 1971, but importantly it does not. It does no such thing. Here is why: The language of section 1021 merely presumes that the 2001 AUMF gives the Federal Government the right to detain U.S. citizens indefinitely without having to prove anything, even though an explicit grant of such power appears nowhere at all in the 2001 AUMF.

My amendment would resolve this problem. In clear and straightforward language, my amendment clarifies that a general authorization to use military force, a declaration of war, or any similar authority on its own, shall not be construed to authorize the imprisonment or detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States. This means that if Congress believes it is necessary to have the power to indefinitely detain U.S. citizens who are captured in the United States, then Congress must expressly say so in any authorization it passes.

My amendment recognizes that the due process protections of U.S. citizens are far too important to leave up to implied legal contemplation.

The 2001 AUMF does not expressly state that the Federal Government has the power to indefinitely detain U.S. citizens who were apprehended on American soil. It just doesn't say it. You can look at the 2001 AUMF and you will not find that. For those who believe it is somehow in the national security interests of the United States for the Federal Government to have that power, they should file an amendment to the AUMF that says so explicitly, and then we can see what the American people think and we can find out, just as importantly, what their elected representatives in the House and in the Senate think, or they can file an entirely new AUMF that expressly provides such authority.

This amendment—the one I am discussing today—should not be controversial. In fact, in 2012—just a year after the initial offending provision that I described a moment ago was passed—the Senate passed this amendment with 67 votes, in large part thanks to the tireless efforts of my distinguished colleague, the senior Senator from California, Mrs. FEINSTEIN, who today joins me as a cosponsor of the amendment.

Unfortunately, the due process guarantee amendment was stripped from that version of the NDAA passed in 2012 for 2013 during the conference process. At the time, some opponents of the amendment were under the impression that it would extend due process provisions to citizens outside of the United States, but that is undeniably false. The due process guarantee amendment applies only to U.S. citizens and lawful permanent residents who are apprehended on U.S. soil.

It has been 4 years since that misunderstanding prevented Congress from passing this commonsense bipartisan reform. That is more than enough time for this institution to gain clarity on what this amendment does do and, just as importantly, on what this amendment does not do. So it is time that we finally pass this amendment, and I urge each of my colleagues to do so.

Mr. PAUL. Will the Senator yield for a question?

Mr. LEE. Yes.

Mr. PAUL. Four years ago we passed legislation under the Defense authorization that allows the American Government to detain an American citizen without a trial. Think about that. One of our basic rights, one of our most important rights is the right to a trial, to be represented, to have a jury of our peers.

You say: Well, it will never be used. Well, President Obama recognized this. He said: This is a terrible power, and I promise never to use it. Any power that is so terrible that a President says he is not going to use it should not be on the books.

As the Senator from Utah said, it is not about having laws that require angels to be in charge of your government. Someday there will be someone in charge of the government who makes a grievous mistake, like rounding up the Japanese. So we have to be very careful about giving power to our government. That is what the challenge is here.

Many will say: Well, we are at war, and when at war you have to have the law of war.

What is the law of war also known as? Martial law. But this is a war that does not seem to have an end. They are not asking for a 1- or 2-year period in which there won't be trials; they are asking you to relinquish your right to trial for a war that may have no end.

I want you to imagine this. Who could these enemy combatants be who may not get trials? Imagine you are an Arab-American in Dearborn, MI, and you send an email to someone overseas. Maybe that person is a bad person and maybe there is a connection, but shouldn't a person in Dearborn, MI,

have a right to defend themselves in court and say: I was just sending an email to them and I said a few stupid things, but I am not a terrorist. Shouldn't they get the right to defend themselves?

We need to be very careful that, as we fight this long war, we don't wake up one day and say we won the war, but we lost what we stood for. We lost the Bill of Rights. We lost it to our soldiers. I know soldiers who lost two arms and a leg fighting for us, and they come back and say they were fighting for the Bill of Rights. That is what this should be about—protecting the Bill of Rights while they are gone.

So the question I have for my esteemed colleague is—some will say: Well, they get a hearing. They get a habeas hearing. They go before a judge. Isn't that due process?

Is a habeas hearing equivalent to due process?

Mr. LEE. No. No. Due process can include habeas, but someone might say habeas corpus is the beginning of due process, not the end. Sometimes it occurs at the beginning, sometimes at the end, but regardless of when in the process it occurs, a habeas proceeding does not represent the sum total universe of what due process means.

You can't read the Fourth, Fifth, Sixth, and Eighth Amendments of the U.S. Constitution to see that what happened in the version of NDAA that we passed in 2011 was an affront to the constitutional order. It was an aberration.

We are not asking for anything drastic. All we are asking here is that before the government takes this step—the type of drastic step you are describing—that at minimum we require Congress to expressly authorize that. Is that really too much?

For those who would say that we are at war, we are in danger—and I understand that. There are those who don't like our way of life. They even perhaps want to do us harm. For those who would say that we are at war and we have to take that into account and consider that, my response is, OK, if that is the case, then let's at least do it the way we are supposed to do it. Let's at least have that discussion rather than doing it by subterfuge, rather than doing it under a cloud of uncertainty, rather than doing it by implication. We need to do so expressly. That is all this amendment does.

Mr. PAUL. Let me clarify in a followup question. If an American citizen goes to Syria and fights with ISIS and is captured on the battlefield, this amendment would not mean they get a trial.

Mr. LEE. No.

Mr. PAUL. They could still be held as an enemy combatant.

Mr. LEE. That is correct. This wouldn't cover them at all because that person is outside the United States. That person is captured on a battlefield outside the United States. That person wouldn't be covered under this amendment.

Mr. PAUL. Let's also be clear on what we are talking about. People who have been defined as enemy combatants are not always holding a weapon. You can have a propagandist. We have had propagandists who have been killed overseas who were propagandists for the enemy. So it is conceivable that an American citizen could be exchanging information and saying something derogatory about us or something in favor of the enemy, and that could be considered to be—that person is now a propagandist.

My point is, shouldn't they have a day in court to determine the facts and have representation as opposed to being plucked up and saying: You are going to Guantanamo Bay for the rest of your life because you made some criticism, and now the state has deemed you an enemy.

Mr. LEE. That is absolutely right, and that is precisely why we need these protections. That helps illustrate the slippery-slope nature of this problem. And it also emphasizes why it is that there are some in our body who want to make sure this power exists in the government, that we must pass legislation affirmatively making it so, expressly providing that power rather than doing it indirectly. That is all our amendment does.

This is indeed a slippery slope. If all you have to do to indefinitely detain someone without charge, without trial, suspending their rights under the Fourth, Fifth, Sixth, and Eighth amendments—if that is all you have to do, is charge them in a certain way, then our constitutional protections have become weakened, indeed, to a dangerous degree.

Mr. PAUL. Is it currently true that this amendment is being blocked by one Senator from gaining a vote?

Mr. LEE. We are trying to get a vote. This got a vote in 2012. It received 67 votes from people of both parties, votes from some Members—including at least one person whom you may be thinking of who has objections to it now. We need this to get a vote. If we are voting on other amendments, which we should be doing, this should get a vote. Nobody has explained to me why this should not at a minimum receive a vote. If somebody doesn't like this, fine, let them vote against it. But we should have a vote on this because this is relevant to the National Defense Authorization Act. It was the National Defense Authorization Act passed in 2011 that was the vehicle for enacting this into law.

Mr. PAUL. One concluding point I would make would be that we have time in the Senate body to vote about which rockets we are going to use, made in which State and in which country. Shouldn't we take time to vote about the abrogation or possible abrogation of the Bill of Rights, of the right to a trial by jury?

I think this is an eminently important issue, should not be pushed under the rug, and that no one should be afraid to take a stand. Not everyone will agree, but we should be allowed to take a stand on the Senate floor, openly debate, and have a vote on whether you will have your right to trial by jury or whether we are going to abbreviate that right and say we are at war. But realize that if you think your rights can be abbreviated in times of war, this is a war—that the people who tell you they are going to abbreviate your rights are also telling you that this war has no end, that there is no conceivable end to this war, and that the diminishment of your liberty, the loss of your right to trial by jury, will go on and on without end.

I wholeheartedly support the amendment by my fellow Senator from Utah, and I advocate for having a vote on the Senate floor.

Mr. LEE. I agree.

I note the presence of my distinguished colleague from California, and I yield the floor so that she can address the body.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senators, and I thank the Presiding Officer.

I have listened to this debate, and I rise to urge my colleagues to allow a vote on this due process guarantee amendment.

Senator LEE has filed it, I am a cosponsor, and I am delighted to be a cosponsor. We actually voted on an earlier version of this amendment in 2012, so this is nothing new. What Members may not recall is that it passed with 67 votes as an amendment to this bill for fiscal year 2013.

I would also note that thanks to then-Chairman LEAHY, the bill on which this amendment is based had a hearing in the Judiciary Committee on February 29, 2012.

So this bill has come before this body before. It got 67 votes, and it had a hearing in the Judiciary Committee 4 years ago. Unfortunately, the amendment was taken out of the NDAA in conference that year.

It is my hope that the Senate will pass this amendment again this year and that the House will support it so that the law will clearly protect Americans in the United States from indefinite detention by their own government.

Members may say: Well, this isn't going to happen. We are not going to do this.

But we have done it. I remember as a small child going just south of San Francisco to a racetrack called Tanforan. It was no longer a racetrack; it was a detention center for Japanese Americans during World War II, and there were hundreds of families housed there for years against their will.

To prevent this from ever happening again, Congress passed and President Nixon signed into law the Non-Detention Act of 1971 which clearly states: ''No citizen shall be imprisoned or otherwise detained by the United States

except pursuant to an act of Congress.'' That sounds good, but it didn't go far enough.

Despite the shameful history of the indefinite detention of Americans and the legal controversy since 9/11, some in the Senate have advocated for the indefinite detention of U.S. citizens during debate on the Defense authorization bill in past years. These Members have argued that the Supreme Court's plurality decision in the 2004 case of Hamdi v. Rumsfeld supports their view. However, the Hamdi case involved an American captured by the United States military on the battlefield in Afghanistan. Yaser Esam Hamdi was a U.S. citizen who took up arms on behalf of the Taliban. He was captured on the battlefield in Afghanistan, not on United States soil. That is the difference. While the Supreme Court did effectively uphold Hamdi's military detention, the Supreme Court did not accept the government's broad assertions of executive authority to detain citizens without charge or trial.

In fact, the Hamdi decision says clearly that it covers only ''individuals falling into the limited category we are considering,'' and did not foreclose the possibility that indefinite detention of a U.S. citizen would raise a constitutional problem at a later date.

Since Hamdi was decided in 2004, decisions by the lower courts have contributed to the legal ambiguity when it comes to the detention of U.S. citizens apprehended in our very own country. You can look at the case of Jose Padilla. He is a U.S. citizen arrested in Chicago in 2002. Padilla was initially detained by the Bush administration under a material witness warrant based on the 9/11 terrorist attacks and was later designated as an enemy combatant who allegedly conspired with Al Qaeda to carry out terrorist attacks, including a plot to detonate a dirty bomb inside our country.

Padilla was transferred to a military brig in South Carolina, where he was detained for 3½ years while seeking his freedom by filing a writ of habeas corpus in Federal court. Now, it is important to note that Padilla was never charged with attempting to carry out the dirty bomb plot. Instead, he was released from military custody in November 2005 and transferred to civilian Federal custody in Florida, where he was indicted on other charges in Federal court related to terrorist plots overseas.

In a 2003 decision by the Second Circuit known as Padilla v. Rumsfeld, the court of appeals held that the 2001 authorization for use of military force, which we call the AUMF, did not authorize Padilla's military detention. The decision stated: ''We conclude that clear Congressional authorization is required for detentions of American citizens on American soil, because 18 U.S.C. Section 4001(a), the Non-Detention Act, prohibits such detentions absent specific Congressional authorization.''

So the Padilla case bounced back and forth from the Second Circuit up to the Supreme Court and then to the Fourth Circuit. The legality of his military detention was never conclusively resolved. Thus there remains ambiguity about whether a congressional authorization for the use of military force permits the indefinite detention of United States citizens arrested on United States soil.

So let me say that 12 years—let me repeat, 12 years—after Padilla was initially arrested and detained, he was finally sentenced to 21 years in prison in 2014.

The simple point is that we can protect national security while also ensuring that the constitutional due process rights of every American captured within the United States are protected.

That is what this amendment would do. Like the amendment that passed here in 2012 with 67 votes on this floor, this amendment would prevent the government from using a general authorization for the use of military force to apprehend Americans at home and detain them without charge or trial indefinitely. So no one could be picked up and not charged and held indefinitely.

It states very simply in our legislation: ''A general authorization to use military force, a declaration of war, or any similar authority, on its own, shall not be construed to authorize the imprisonment or detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States.''

The amendment also modifies the existing subsection (a) of the Non-Detention Act, so it covers lawful permanent residents of the United States and ensures that any detention is consistent with the Constitution.

So new subsection (a) will read: ''No citizen or lawful permanent resident of the United States shall be imprisoned or otherwise detained by the United States except consistent with the Constitution and pursuant to an Act of Congress that expressly authorizes such imprisonment or detention.''

Now, let me explain the impact of these changes to the law. First, the U.S. Government will continue to be able to detain U.S. citizens or lawful permanent residents on a foreign battlefield pursuant to an authorization to use military force, like what we passed after 9/11. That AUMF provides the authority to detain Al Qaeda, ISIL, and affiliated terrorist fighters.

In other words, if the government needs to detain an enemy combatant on a foreign battlefield under a post-9/11 congressional authorization to use force, that is not barred, even if the enemy combatant is, in fact, a U.S. citizen. Indeed, the Supreme Court held in Hamdi that the AUMF is ''explicit authorization'' for that limited kind of detention. So the amendment does not disturb the Hamdi decision.

Second, when acting with respect to citizens or lawful permanent residents apprehended at home, the amendment makes clear that a general authorization for the use of military force does not authorize the detention, without charge or trial, of citizens or green card holders like Padilla, who are apprehended inside the United States. Instead, they should be arrested and charged like other terrorists captured in the United States.

Now, the simple point is that indefinite military detention of Americans apprehended in the United States is not the American way and must not be allowed. In the United States, the FBI and other law enforcement and intelligence agencies have proven time and again that they are up to the challenge of detecting, stopping, arresting, and convicting terrorists found on United States soil.

Our law enforcement personnel have successfully arrested, detained, and convicted literally hundreds of terrorists, both before and after 9/11. Specifically, there were 580 terrorism-related convictions in the Federal criminal courts between 9/11 and the end of 2014. That is according to the Department of Justice.

More recently, Federal prosecutors have charged 85 men and women around our country in connection with ISIL since March of 2014. Suspected terrorists can still be detained within the U.S. criminal justice system using at least the following four options: One, they can be charged with a Federal or State crime and held. Two, some can be held for violating immigration laws. Three, they can be held as a material witness as part of a Federal grand jury proceeding. Or, four, they can be detained under section 412 of the PATRIOT Act, which provides that an alien may be detained for up to 6 months if their release ''will threaten the national security of the United States or the safety of the community or any person.''

Simply put, there is no shortage of authority for U.S. law enforcement to take the necessary actions on our soil to protect the homeland. Some may ask why this legislation protects green card holders as well as citizens. Others may ask why the bill does not protect all persons apprehended in the United States from indefinite military detention.

Let me make clear that I would support providing the protections in this amendment to all persons in the United States, but the question comes: is there political support to expand it to cover others besides U.S. citizens and green card holders? We went through this in 2012, I believe, before the Presiding Officer was here. The overriding situation is to prevent the Federal Government from moving in and picking up Americans and holding them without charge or trial, as was done with Japanese Americans after World War II.

Finally, with the passage of this, we will close out that chapter once and for all. So this is not about whether citizens apprehended in the United States,

like Jose Padilla or others who would do us harm, should be captured, interrogated, incarcerated, and severely punished. They should be to the fullest extent the law allows, but not an innocent American picked up off the street and held without charge or trial—perhaps because of the person's name or looks or heritage.

So what about how a future President might abuse his or her authority to indefinitely detain people militarily here in the United States? Our Constitution gives everyone in the United States basic due process rights. The Fifth Amendment provides that ''no person shall be deprived of life, liberty, or property without due process of law.'' This is a basic tenet of our Constitution and our values.

People are entitled to notice of charges, to an opportunity to be heard, and to a fair proceeding before a neutral arbiter. In criminal cases, the accused also has a right to a speedy and public trial by a jury of their peers. So these protections are really a sacred part of who we are as Americans. I think it is something we all take great pride in, and now it is, once again, the time. We did this in 2012, in the fiscal year 2013 NDAA bill.

It received 67 votes on this floor. I would hope that we would not be blocked from taking another vote on this. We experimented with indefinite detention during World War II. It was a mistake we all realize and a betrayal of our core values. So let's not repeat it.

I want to thank Senator LEE, Senator TOM UDALL, Senator PAUL, Senator CRUZ, and others who have worked with us on this issue over the years. I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, when we ask the men and women of this country to go to war on our behalf, we make a solemn promise to take care of them, to support them while they are abroad, and take care of them when they come home. As a daughter of a World War II veteran, this is a promise I take very seriously, and I know that my colleagues do too.

One aspect of this promise that I have been proud to fight for is the idea that we should help warriors who have sustained grievous injuries achieve their dream of starting families. This is something that is hard for many people to think about, but it is a reality for far too many men and women, people like Tyler Wilson. He is a veteran I met who is paralyzed and nearly died in a firefight in Afghanistan.

After years of surgeries and rehab and learning an entirely new way of living, he met Crystal, the woman he wanted to spend the rest of his life with. Together, they wanted to start a family. I believe we have an obligation as a nation to help them. That is why I have been fighting to expand VA care to pay for IVF treatments for people like Tyler. It is why I was so encouraged that 6 months ago the Pentagon announced a pilot program to allow servicemembers who are getting ready to deploy—the very men and women who are willing to put their lives on the line in defense of our country—an opportunity at cryopreservation.

That is a practice already widely used among the general population. It gives our deploying members not only the ability to have options for family planning in the event they are injured on the battlefield, but it gives them peace of mind. It says they don't have to worry about choosing between defending their country or a chance at a family someday. As Secretary Ash Carter said himself, this was a move that ''honors the desire of our men and women to commit themselves completely to their careers, or to serve courageously in combat, while preserving their ability to have children in the future.''

I couldn't agree with that sentiment more. While the pilot program was not groundbreaking and, in fact, has been used by the British Armed Forces for years, I believe the Pentagon's announcement spoke volumes about having respect for servicemembers who are willing to risk suffering catastrophic injuries on our behalf to tell them: No matter what happens on the battlefield, your country will be there for you with the best care available.

I applaud Secretary Ash Carter for his leadership. It is the right thing to do for our young men and women who have big plans after their service is complete. That is why I was so shocked by one line in this massive NDAA bill before us, a line that brings me to the floor today. Blink and you will miss it. On page 1,455 of the 1,600-page bill, in one line in a funding chart, you will find an attempt to roll back access to the care members of our military earned in their service to our country.

That line—that simple little line—will zero out the very program that helps men and women in our military realize their dreams of having a family, even if they go on to suffer catastrophic injuries while fighting on our behalf. The very program that Secretary Carter got off the ground just 6 months ago, the promise the Pentagon made, this bill throws in the trash.

Taking away that dream is wrong. It is not what our country is about. While I don't know how or why that line got into this bill, I am here today to shine a light on it in the hopes that we can get this fixed before it is too late.

In the past day, I have talked to both the chair and ranking member, and I am hopeful that we can change course. We simply cannot allow this provision or others like it to slip through the cracks and continue to chip away at the care that these servicemembers deserve. That is not what this country is about. Many of my colleagues are so quick to honor our military members with their words, but our servicemembers need to see that same commitment with their actions.

That is why I am here today urging my colleagues to keep this vital service intact for members of our military. We can take action that truly shows our servicemembers and our veterans that we understand this service is a cost of war and it is a cost that we, as a country, are willing to take on.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, I am going to try to make sense out of some of the discussion that has been going on, which has been quite detailed and very esoteric, with regard to the Russian rocket engine which is the main engine in the tail of the Atlas V rocket—the first stage of the Atlas V.

Why is there a Russian engine? In the early 1990s, at the time of the disintegration of the Soviet Union, the United States went in to try to help secure the nuclear material and nuclear weapons. It was clearly in the interests of the United States and her allies that loose nukes not get into the hands of rogue nations or rogue groups.

At the same time, it was clearly in the interests of the United States that we try to prevent all of the experts, the Russian scientists and engineers that had been involved in the Russian or the Soviet Union's rocket program—and it was an exceptional program—from going to rogue nations or to rogue groups. Read: Iran.

Thus it became apparent, when U.S. scientists, engineers, and space pioneers visited the Russian engine plant, that it was this extraordinary engine that had this high compression with liquid oxygen as a fuel and also kerosene. As a result, it was clearly in the interests of the United States not only to prevent loose nukes and scientists leaving but to keep them interested and employed. Remember, this was in a Soviet Union that was disintegrating at the moment. Therefore, it was in the interest of keeping that Russian rocket engine manufacturing facility employing those engineers and scientists. In one instance, that facility has been called Energomash, and in another instance, it has been made reference to as Roscosmos.

Therefore, private companies in the United States arranged to buy the Russian engines and keep them employed and, at the same time, to obtain the plans with the idea that down the road the United States would manufacture the same Russian engine, but its manufacture would be done in the United States. That intention was never carried out.

As a result, that leads us to where we are today. Today, we still buy the Russian engines. On average, that is costing us $88 million a year. How much is that of the total expenditures that we buy from Russia in other goods? It is less than a percent. In fact, that $88 million a year, on average, is one-third of 1 percent that is purchasing this excellent engine. That excellent engine happens to be the workhorse engine of

the Atlas V, which is our most reliable rocket for military launches, as well as future NASA launches, as well as commercial launches of communications satellites in orbit.

The whole fracas that has been engulfing this Defense bill here is because now that same Russian Federation, where it was so important for us to keep employing its scientists and engineers 25 years ago,—today is being led by a former KGB agent, Vladimir Putin. He is doing things that we don't like. He runs over Ukraine and he takes a part called Crimea. He is pushing into eastern Ukraine and he is doing all kinds of bad things there that is threatening the freedom of the people of Ukraine.

As articulated by Senator MCCAIN, naturally we would not want to continue to buy those Russian engines, which is basically helping Vladimir Putin, even though it is minuscule—less than one-third of 1 percent of the total goods that we buy from Russia.

So that brings us to this point: How do we get out of the mess? How we get out of the mess is that we build our own engine. We should have done that years ago. But now we can actually build a better engine and not plug into the same rocket, because if it is a different engine you cannot plug into the same rocket in the Atlas V. You have to basically plug it into a different rocket. As we speak, there is now a competition going on to develop a replacement engine. In one case, it is called the BE–4. In another case it is called an Aerojet Rocketdyne engine. That competition is going to continue, but we can't do it overnight. So it is going to take some time.

An optimistic estimate might say that the engine is ready in about 2019, and then you have to test-fire in the new rocket that you have developed. So a realistic time of when the new engine is available is at the end of the year 2022.

So what do we do to make sure we have the rockets to have assured access to space between now and the end of 2022? That is what all this discussion is on the floor.

On the one hand, there is a very successful company called SpaceX. They are now certified with a rocket called the Falcon 9, and that rocket has won some competitions and has put payloads in space, including one defense payload that I know of. There may be more, but I do know that they have been certified for the Department of Defense.

Its competitor is the other company, United Launch Alliance, which is a combination of Boeing and Lockheed. They have been successfully launching the Atlas V without a miss for years and years. I think the successful number of rocket launches is something in excess of 50 or maybe 60. Thus, it is a proven workhorse.

We never want to get to the position where we have just one rocket company, because if something happened, you want to have a backup because we have to get satellites into space to protect our national security, and we have to do it over this period of time from now until the end of 2022. Therefore, how do you keep them going alive if you eliminate the ability of being able to buy the Russian engine?

That is what all of the very emotional and very well-meaning speeches on the floor have been about—in one case, United Launch Alliance, and in another case, SpaceX. For the good of the country, we have to have both until we can develop, test, and successfully fly the replacement engine for the Russian engine.

As we speak, these discussions, by the way, that have been going on over the past several weeks, and with intensity over the past few days, continue. It is certainly my hope that we are going to get resolution and can get an agreement on this and a way to go forward so that we can get this issue behind us and move on with a defense bill that is so important to the future of this country.

Mr. President, I wanted to lay out the predicate of what this is all about. When you start getting into the weeds about this number of launches and that number of launches, all of it boils down to what this Senator has just shared. So I hope we get resolution. And since I am basically an optimist, I think we will.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, just to continue—and I do with some reluctance—on this whole issue of rocket engines, as I mentioned earlier, there is an individual who is one of the head executives of ULA who was recorded, and in the recording he talks about ULA and the relationship and how they have an ''in'' with the Department of Defense, and I just want to quote from his recording. He was talking about the rocket engine. He said:

> But unfortunately, it's built by the Soviet Union, and there's a couple of people, one person in particular, this guy right here, John McCain, who basically doesn't like us.

Remember, this is an employee of ULA.

He continues:

> He's like this with Elon Musk, and so Elon Musk says, why don't you guys go, why don't you go after United Launch Alliance and see if you can get that engine to be outlawed. So he was able to get legislation through that basically got our number of engines down that we could use for national security space competitions down to four; we needed nine. . . . And so, then, we got his friend, I told you about that big factory down in Alabama, in Decatur, and basically this is Richard Shelby, Senator Richard Shelby, from Alabama, both Republicans, and he basically at the last minute, at December of last year, they were doing an omnibus bill to keep the government running. And what he did is talk to John McCain and parachuted in, in the middle of the night, and added some language into the appropriations. . . . Shelby's in charge of appropriations. He says ignore McCain's language and basically allowed United Launch Alliance to pick any engine they want from any country abroad.

Then he goes on to say:

> But we can't afford that any more because the price points are coming down as low as 60 million dollars per launch vehicle, and on the best day you'll see us bid at 125 million dollars, or twice that number, and if you were to take and add in that capabilities cost, it's closer to 200 million dollars. . . . SpaceX will take them to court if they don't, so they have demonstrated ability to say, if you do not allow us to compete on an apples-to-apples basis, that we will take you to court, and you will lose.
>
> So if you saw just recently, they bid the second GPS–III launch, ULA opted to not bid that. Because the government was not happy with us not bidding that contract because they had felt that they'd bent over backwards to lean the field in our advantage.

I repeat, this is what an executive of ULA said. ''Because the government was not happy with us not bidding that contract because they had felt that they'd bent over backwards to lean the field in our advantage.'' That is from an executive of ULA. Is there any better evidence of what he said?

Continuing the quote from the recording:

> But we even said we don't bid, because we saw it as a cost sheet up between us and SpaceX, so now we're going to have to take and figure out how to bid these things much lower cost. And the government can't just say ULA's got a great track record, they've got 105 launches in a row, and 100 percent mission success and we can give it to them on a silver platter even though their costs are two or three times as high.

Two or three times as high. Mr. President, this is what makes the American people cynical about the way we do business.

Before I suggest the absence of a quorum, let me just say that we are going to be moving the amendments on interpreters and Guantanamo, and so I alert my colleagues that we will be doing that shortly.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SULLIVAN. Mr. President, I rise to speak in support of what we have been doing on the Senate floor the past 2 weeks—moving forward on the National Defense Authorization Act. I wish to pay a compliment and my deepest respect to the chairman of the Armed Services Committee, to the ranking member, and to all the members of the Armed Services Committee who have been focused on this bill that we have been putting forward in this Congress and every Congress for the last half century.

Our forces are under strain at a time when Henry Kissinger said before the Armed Services Committee that ''the United States has not faced a more diverse and complex array of crises since the end of the Second World War.''

Here is what some of our top military officials have told our committee about the threats that are rising globally and the dramatic reduction in our military forces. Chief of Staff of the Army, GEN Mark Milley, recently stated that due to cuts and threats, our Army is at a state of ''high military risk'' when it comes to being ready enough to defend our interests. That is a very serious statement by the Chief of Staff of the Army, ''high military risk'' for our military and the ability of the U.S. Army to do its mission. He also said that when it comes to Russia and its new aggressiveness, we are ''outranged and outgunned.''

Let me spend a little bit of time on the new challenge from Russia. There are many provisions in this bill—which is why it is so important—that will strengthen our military threat with regard to Russia—something that, as a Senator from Alaska, I am very concerned about.

Nobody spoke more eloquently and compellingly about our country's credibility than President Reagan when he stated that his philosophy of dealing with our potential adversaries was that ''we maintain the peace through our strength; weakness only invites aggression.'' And he matched his rhetoric with credible action. That is what we need to do with regard to the NDAA, and that is why it is so important that we move forward and pass this bill.

But the Russian threat is not just in Europe, it also in the Arctic, and those threats—we are hearing more and more in committee testimony on and what the Russians are doing. For example, there are 4 new Arctic brigades; a new Arctic command; 14 operational airfields in the Russian Arctic by the end of this year; up to 50 airfields by 2020; a 30-percent increase in Russian special forces in the Arctic; 40 Russian Government and privately owned icebreakers, with 11 additional icebreakers in development right now, including 3 new nuclear-powered icebreakers; huge land claims in the Arctic; increased long-range air patrols with Bear bombers—the most since the Cold War—and pilots in Alaska are intercepting these Russian bombers on a weekly basis; and a recent deployment of two sophisticated S–400 air defense systems again to the Arctic. Why are they doing this? Because it is a strategic place, new transportation routes, enormous resources.

Our own Secretary of Defense stated in testimony that he realized we were late to the Arctic given how strategic and important it is. Right now we have no Arctic port infrastructure; two icebreakers—that is it; no plans to increase Arctic-capable special forces; and a lack of surveillance capabilities in this strategic region of the world.

Why do I mention this? Because in this NDAA we start to address the problem. Just as we did in last year's NDAA, we start to lay the foundation for having a strategic vision of what is going on in the Arctic, the way the Russians are, and we are beginning to be prepared in an area of the world that is absolutely critical to U.S. security. Provisions include the first steps to build up an appropriate strategic Arctic port. We will also build up our Arctic domain awareness, and we will have a much better sense of what is going on in this region not only with regard to the Russians but what the Chinese are doing in this critical area of the world.

Make no mistake—America is an Arctic nation. We are an Arctic nation because of my State, the State of Alaska. This NDAA begins the important process to start addressing the strategic concerns we are seeing in the Arctic and securing our Nation in a way that is important for all of us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, after discussions with the Senator from New Hampshire, the Senator from Missouri, the Senator from South Carolina, and the Senator from Kansas, I ask unanimous consent to have a colloquy with these Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. We are going to propose a unanimous consent request that the Senate take up and pass both the issue of the interpreters to our Afghan allies and the issue of Guantanamo Bay. I know there is objection, so we will await those individuals since it would require their presence on the floor.

I will say a few words about the SIV Program. The fact is, the Senator from Colorado, maybe the Senator from Alabama, maybe the Senator from someplace else, has an axe to grind here: They didn't get a vote on their amendment. They didn't get their vote, so, by God, nobody is going to get a vote.

Do you know what they neglect here? We are talking about our men and women in the military who literally saved their lives. And they are using their parochial reasons, because they didn't get their vote, to object. My friends, that is not what the job of a United States Senator should be.

GEN David Petraeus:

> Throughout my time in uniform, I saw how important our in-country allies are in the performance of our missions. Many of our Afghan allies have not only been mission-essential—serving as the eyes and ears of our own troops and often saving American lives—they have risked their own lives and their families' lives in the line of duty. Protecting these allies is as much a matter of American national morality as it is American national security.

So the Senators who have come and objected disagree with an effort we are making on the issue of American national morality, in the eyes of GEN David Petraeus.

General Nicholson is over there now. He says basically the same thing:

> They followed and supported our troops in combat at great personal risk, ensuring the safety and effectiveness of Coalition members on the ground. Many have been injured or killed in the line of duty, a testament to their commitment, resolve, and dedication to support our interests. Continuing our promise of the American dream is more than in our national interests, it is a testament to our decency and long-standing tradition of honoring our allies.

That is from General Nicholson, who is over there now.

There is no more admired diplomat in America than Ryan Crocker. He states:

> This is a very personal issue for me. I was U.S. Ambassador to Iraq from 2002 to 2009 and to Afghanistan from 2011 to 2012. I observed firsthand the courage of the citizens who risked their lives trying to help their own countries by helping the United States. It takes a special kind of heroism for them to serve alongside of us.

GEN Stanley McChrystal:

> I ask for your help in upholding this obligation by appropriating additional Afghan SIVs to bring our allies to safety in America. They have risked their own and their families' lives in the line of duty.

I will stop with this. General Campbell says the same thing:

> They frequently live in fear that they are or their families will be targeted for kidnappings and death. Many have suffered this fate already. The SIV program offers hope that their sacrifices on our behalf will not be forgotten.

I would hope that a Senator who comes to object to this act of humanitarian—a moral obligation, as stated by these respected military leaders, that they wouldn't object because they didn't get a vote on their amendment. That would be a reason to stop this act that is a moral obligation of this country? Well, if they come over and object, then they have their priorities badly screwed up. If these people are killed, they will have nobody to answer to but their families.

I hope we will pass this by unanimous consent and not have—for a parochial, their own selfish reason—some Senator come and object.

I yield to the Senator from New Hampshire, Mrs. SHAHEEN.

Mrs. SHAHEEN. I say thank you to Senator MCCAIN. Thank you for your leadership and thanks to Senator JACK REED for his leadership on this issue. As the Senator points out, there are real lives at stake. If we are not able to continue the Special Immigrant Visa Program for those Afghans who have helped us during the conflict in Afghanistan, then—we know the Taliban has already murdered a number of them, their family members. As the Senator points out, to have someone object to going forward with this amendment—not related to the program at all but because people have other personal issues they want to address—it would be unfortunate and not in this country's interest.

What we are actually hoping we can vote on today is a carefully crafted amendment. It addresses the legitimate concerns that people have raised about this program. We spent hours over the last few days and last night

trying to come to some agreement to address those issues, and I think the legislation before us does that.

The concern, as I understand, isn't about this program and about what is in this program; it is about individuals who have their own issues unrelated to this program that they want to see addressed. I understand that. We all have our issues, but that is not what we ought to be voting on at this point.

The Senator pointed out that Ryan Crocker, who served both in Afghanistan and Iraq, has talked about the importance of this program, as have so many of our generals and those who have served. I want to quote from an op-ed piece he wrote last month about the importance of Congress addressing this program. He said:

> In an era of partisan rancor, this has been an area where Republicans and Democrats have acted together. Congress has continued to support policies aimed at protecting our wartime allies by renewing the Afghanistan SIV program annually—demonstrating a shared understanding that taking care of those who took care of us is not just an act of basic decency; it is also in our national interest. American credibility matters. Abandoning these allies would tarnish our reputation and endanger those we are today asking to serve alongside U.S. forces and diplomats.

As we all know, this country owes a great debt to the Afghans who provided essential assistance to the U.S. mission in Afghanistan. Thousands of brave men and women put themselves and their families at risk to help our soldiers and diplomats accomplish their mission and return home safely. We must not turn our back on these individuals. We must not imperil our ability to secure this kind of assistance in the future, and a ''no'' vote today would do exactly that.

I urge this body to move forward to allow a vote on a compromise that has been supported by everybody who was raising concerns about this program.

I would like to yield to my colleague from South Carolina.

Mr. MCCAIN. Senator MORAN first.

Mrs. SHAHEEN. Sorry. Senator MORAN.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, thank you very much, and I appreciate the opportunity to be here on the Senate floor today with my colleagues.

I, too, have an amendment to strike section 1023 of this bill, the national defense authorization bill, S. 2943. This is amendment No. 4068. We will seek unanimous consent for this amendment to be considered, but what it does is strike section 1023, which provides for the design and planning related to construction of a facility in the United States to house detainees. This is part of the constant effort by some to close Guantanamo Bay and bring the detainees to the United States.

In my view, it is essential for the United States to maintain the ability to hold terrorists, both those who were captured in 2002, as well as those whom we may find on the battlefields of terrorism with ISIS today. Since 2008, the effort has been to close Guantanamo Bay with the objective of bringing those detainees to the United States. This Congress, this Senate has spoken time and time again both in the predecessors' legislation to this bill we are considering today, NDAA of past years, as well as the appropriations process in which we prohibit those detainees from being brought to the United States and housed in a facility in the United States.

In fact, the Attorney General and the Secretary of Defense have, on numerous occasions, confirmed that the President has no legal authority to close Gitmo or to transfer detainees to the United States. For some reason, the national defense authorization bill, as it came out of the committee, provides for the planning and designing related to construction of a facility here.

This amendment strikes that language, and it reaffirms what we have said before. In fact, in last year's national defense authorization bill, we said there had to be a plan provided by the administration that outlines, in significant criteria and detail, what would be involved in bringing those detainees to the United States. I am opposed to that in the first place. I am opposed to that in the second place. I would add that plan that we keep looking for, it has yet to be, in any specificity, granted to us to see in Congress.

Mr. President, I would ask my colleagues to allow, at the appropriate time, that this bill be made in order for consideration for a vote by the Senate as an amendment to this bill.

Mr. MCCAIN. There are a number of Members on both sides of the aisle who have had the honor of serving in Iraq and Afghanistan, and particularly some of the newer members have added enormously to the Armed Services Committee. There is also one member of the committee who I believe, in his many years of Active Duty, has served in Afghanistan as many as 33 times. He has had an up close and personal relationship with these brave interpreters who literally put their lives on the line in assisting people like Colonel Graham and all others as they were able to accomplish their mission, which they would not have been able to do if it had not been for the outstanding service and sacrifice of these interpreters.

Senator GRAHAM.

Mr. GRAHAM. Thank you. I compliment Senator SHAHEEN and all those involved in trying to get to yes. The people who had concerns about your amendment, I understand their concerns. You are able to find a way to accommodate those concerns. This is sort of how the legislative process works. You get to yes when you can. But why this is important to America and particularly to me—Senator SULLIVAN served some time in Afghanistan as a marine working in the Embassy dealing with detainee operations.

I did about 140 days on the ground in Iraq and Afghanistan, mostly in Afghanistan, as a Reservist. I did my Reserve duty, 1 week, 2 weeks at a time, with Task Force 435 that was in charge of detainee operations at Bagram prison. That unit's job was to advise the commanders about who to put in Bagram, what requirements there were to hold somebody in Bagram prison under U.S. custody, and also to build up the rule of law, where the rule-of-law field forces would go out to different parts of Afghanistan and work with the police and the judiciary to try to build capacity.

During my experience in Afghanistan, I learned something that is, quite frankly, overwhelming to this day, how brave some people in Afghanistan are to change their country. There was one interpreter—and I am certainly not going to use his name—who was there the entire time I did my Reserve duty. I retired last year. This man was invaluable. It is not just interpreting the language and repeating what we said. It is the context that he made over time to make sure the coalition forces could accomplish their mission. Of all the people we owe a debt to as Americans, it is these interpreters and those who have assisted our forces. They have come out of the shadows. They have taken a skill set we did not have, which is local knowledge, and they have applied that skill set to helping our efforts to protect America but, equally important, to protect their homeland, Afghanistan.

All the letters from those who were in command can say it better than I can. I had a small glimpse as a military lawyer over about a 5-year period coming in and coming out, and all I can tell you is what I saw was amazing, and it moved me beyond measure. I got to meet their family. The interpreters had families. I got to know them. They have children. They have wives. All the ones I know were male, but I know there were females who were helping too. I can tell you, if there is any way for this body to pass Senator SHAHEEN's amendment, you would be doing our country and those who helped us under the most dire situation a great service.

As to how the body works, I wish I could get everything I wanted. I have not been able to do that in life or in the Senate. I wanted to have a vote on the Ex-Im Bank because the Ex-Im Bank is not operating because we don't have a quorum. I asked for an amendment on this bill to change that to get us back in the game in terms of the Ex-Im Bank because it shut down. It was objected to because it is not germane. I understand that. I am disappointed, but I am not going to stop the whole bill because I didn't get what I want.

There are other people who are offering amendments that are very important to them. Ex-Im Bank is very important to people of South Carolina, but there is a process. The Ex-Im Bank is about jobs that are important to Americans. This is about lives. This is about the here and now. This is not

about what might happen one day. Maybe if something happened, maybe we will do this or maybe we will do that. This is about people who have already stepped out. This is the here and now. There is nothing hypothetical about this debate. There are thousands of people in Afghanistan who have risked their lives to help us, and we are trying to get some of them out of Afghanistan to the safety of the United States, honoring their service to make sure other people in the future would also want to do the same.

The one thing I tell my colleagues, the war is not over. Since 2012, 2011, the last time we had some of these debates, has it gotten better? The world is on fire right now. The threats to our country are at an alltime high, in my opinion. In 2012, ISIL didn't even exist. Today they are trying to penetrate the homeland. The Homeland Security Secretary said what keeps him up at night is homegrown terrorism.

The enemy is actively involved in trying to get people on their side who live among us. All I can say is, the things that have changed over the last few years are all for the worse, not the better, and this amendment is literally life and death. I honest to God beg and plead with the Members of this body, if you can't get everything you want, please don't stop this. I did not get everything I want. This really matters.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. GRAHAM. Yes.

Mr. MCCAIN. Suppose this unanimous consent request is objected to by a Member. Would my colleague say the blood of these interpreters who will be killed and their families murdered is on their hands? Would my friend say that just because they didn't get their amendment—by the way, I offered Senator LEE the chance to bring up his amendment on the issue of women in the Selective Service, and he turned that down. He said he wanted to take up his other amendment first.

Let the record be clear that I immediately approached him and asked: When do you want to take up the amendment on Selective Service? He said: That is not my priority. My priority is this one here, which apparently he will object to.

If we don't do this and those people are killed by the Taliban because they have to stay in Afghanistan—the Senator from South Carolina would agree they are the No. 1 target—wouldn't you say that those who objected to their having freedom in the United States of America have blood on their hands?

Mr. GRAHAM. Mr. President, the first thing I would say is I blame the Taliban. They are the ones who are doing the killing. What I would say to Senators is, where you can help people who make our country safer, you should. All of us should try to find a way to get to yes at least sometimes if you can't do it all the time.

I can tell the Members of this body that I have been to Iraq and Afghanistan 37 times—probably 20 times in Afghanistan. I spent close to 100 days on the ground in Afghanistan. I have seen in person what they do. They get outside the wire, make the mission possible, risk their lives, and Senator SHAHEEN has been able to navigate a very thorny issue and get a solution that is not 100 percent of what she wanted. She had to give up thousands of visas just to find a way to move forward.

All I can say is that this really is a big deal. People's lives are at stake. This is not a hypothetical issue. All I can say is that I hope we can find it among ourselves to get to yes on this and what Senator MORAN is trying to do. If we can't, we can't, but let me tell you this: Senator LEE objected to my Ex-Im Bank amendment in committee. He had every right to do so. It wasn't germane. It is very important to me. We are losing thousands of jobs. South Carolina is losing hundreds of jobs because the Bank shut down. I will still fight to get the Ex-Im Bank operating, but what I will not do to help the people of South Carolina is to put the lives of those in Afghanistan at risk. I don't think I am helping the people in South Carolina by making it harder for us to fight and win a war we can't afford to lose. I can't live with myself knowing what is coming their way.

This is not a matter of ''what if'' to me. I have been there, I have seen it, and people are literally going to die. My amendment is important to me, and it is important to the economy of South Carolina and the Nation. I did not get my way, but I am not going to stand in the way of people being able to avoid being killed.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, will my colleague from South Carolina yield for a question?

Mr. GRAHAM. Mr. President, I would be glad to.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, the Senator from South Carolina talked about the fight against ISIL and how that is spreading across the Middle East. What kind of message does it send to the Taliban, ISIL, and other terrorist groups, should they hear that we are defeating this program that was designed to help those people who helped us?

Mr. GRAHAM. Mr. President, that is a great question. They are called night letters. Let me tell you how this works. I was in Kandahar with the rule of law field forces, and we were trying to build up the capacity of their judges in Kandahar. The judges were being killed in large measure, so it was pretty hard to find anybody who wanted to be a judge.

We hardened the site, and we put some American troops, along with Afghan soldiers, to try to get a judiciary up and running in a really hot spot. We had a couple of police stations that were being overrun, and we tried to get people to go back to the police stations.

The night letter was delivered to some of the leaders who were buying into what we were doing. I don't speak Pashto, but these night letters were from the Taliban saying: We are watching. The Americans will leave you. They will leave you, and we will remember you.

I know what the night letter looks like because I saw one, but here is the difference—I never got one. Imagine what it would be like if you woke up tomorrow and the enemy of your country, which is trying to take your country down, is telling you and your family: We are watching you. We are coming after you. You are hiding behind the Great Satan, and the Great Satan will abandon you.

I can tell you what it would do. It would make those letters real, and they will take this failure to help people who helped us and make it really hard in the future for us to defend our Nation.

The night letters are going to increase. We had to sit down with these people and say: No, we are not going to abandon you.

It is funny the Senator from New Hampshire mentioned that. I have a resolution that Senator REED has agreed to which urges the President, if he chooses, to keep troops at 9,800 based on conditions. If he felt that was the right thing, we would all support him and let the next President find out if we need to go down in size. I am all for leaving. I just want to make sure the conditions are right to leave, and I don't think it is right to go from 9,800 to 5,500.

All I can say to Senator SHAHEEN is that these night letters will be larger in number, and the people who get the letters are watching what we are doing.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the following amendments be in order to be offered: Shaheen No. 4604 and Moran No. 4068; I further ask there be 5 minutes equally divided between the managers or their designees and that the Senate then proceed to vote in relation to the amendments in the order listed with no second-degree amendments to these amendments in order prior to the votes.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. LEE. Mr. President, reserving the right to object, I sat here and I heard some fairly hyperbolic arguments—arguments suggesting somehow that anyone who has other amendments they would like to have considered are somehow unpatriotic or unsympathetic if they don't allow these amendments to go through.

The fact is, I have no problem with either of these amendments. I will gladly not only allow a vote on them, but I will also vote for the amendment from Senator SHAHEEN and the amendment from Senator MORAN. I support

both of them, but I would like a vote on my amendment as well. This is an issue I have worked on for 5 years. This issue arose 5 years ago when a provision was slipped into the NDAA that we passed that year that I think raises significant concerns.

I have worked with my colleague, the senior Senator from California, and Senators on both sides of the aisle, and put together a proposal to deal with that language. We put that in and had a vote on it in 2012, and 67 Members of this body voted for it, including some of the people who have spoken in the last few minutes. This is an issue that became a part of our law because of the NDAA 5 years ago. It is appropriate to bring this up now.

Moments ago, the Senator from South Carolina made reference to an objection I made to an amendment of his within the Senate Armed Services Committee on which he and I serve. It is true that I made an objection because in the committee we have some jurisdictional rules. There are reasons why certain amendments aren't jurisdictionally proper within the committee. There was a reason I didn't bring up the amendment that I wanted to vote on within the committee because of a jurisdictional issue. I was told last year and this year that if this is an amendment you want to bring up, the appropriate time to do so is on the floor and not in committee. The reason I did that is that there are jurisdictional issues present within the committee.

Again, I don't have a problem with the Shaheen or Moran amendments. I will support both of them. All I am asking for is to give me a vote on my amendment as well.

Therefore, I ask that the unanimous consent be modified to include my amendment—amendment No. 4448.

The PRESIDING OFFICER. Does the Senator from Arizona so modify his request?

Mr. GRAHAM. Mr. President, I reserve the right to object.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, No. 1, I will object, and let me tell you why. The last time we had a hearing about the issue of whether or not an American citizen can be held as an enemy combatant if they collaborate with Al Qaeda was 2012. Since 2012, things have changed all for the worse.

To my friend from Utah, your amendment should be in the Judiciary Committee. That is where primary jurisdiction exists. I am chairman of the Crime, Terrorism Subcommittee. I promise that we will have a hearing about your idea that never made it in the NDAA, and we will see what has changed from 2012 till now. I think that is much better than having a debate on the floor of the Senate about something this important that will last 30 minutes or an hour.

I would argue to the American people that the rise of ISIL has changed the game. If you read their literature, they are talking about how it is easier to penetrate America than it is to get somebody to come here. When you listen to the FBI and Homeland Security director, their No. 1 fear is homegrown terrorism.

Here is my view: We will debate the substance of this later. I think the best thing we can do is pass these two amendments. The Ex-Im Bank was brought up by Senator SCHUMER, and Senator SHELBY objected. He has every right to do so. Senator LEE came on the floor and talked about what a bad idea the Bank is, and he has every right to do so.

In order to allow these two people to go forward, the Senator has to get a vote on his amendment. That is what this is all about. I didn't get my amendment. I wish that we could have had a vote on the Ex-Im Bank reauthorization. It really does matter to me. I didn't get that.

Mr. LEE. Mr. President, will the Senator yield?

Mr. GRAHAM. Mr. President, if I could finish my thought, what I would suggest to Senator LEE is that the prudent thing for us to do is to have another hearing because the last one we had was in 2012. Listen to the FBI Director and Homeland Security Secretary and see why they feel so strongly about homegrown terrorism and see if we can find a way to move forward. But what the Senator from Utah and others have said—there is not one American being held as an enemy combatant today. There are thousands of people who have helped us in Afghanistan who will be killed if we don't do something about it.

The Senator from Utah and I will never agree on this issue, and I respect my friend greatly. I believe we are fighting a war, not a crime. I will never agree that because you are an American citizen, you can collaborate with the enemy and work actively with Al Qaeda and ISIL to attack your homeland and not be held under the law of war, which we have been doing for decades in other wars.

I do believe in due process. As the law is written today, if our military or intelligence community picks up someone they believe is collaborating with ISIL or Al Qaeda, someone covered as an enemy combatant, they can be held, but they can be held only if a Federal judge allows the continued holding. You do get a hearing under the habeas corpus statute. The government has to prove you are, in fact, an enemy combatant.

The last time we had this debate, it was suggested this was a slippery slope. What prevents you from being held as an enemy combatant if you went to a tea party rally? That was pretty offensive to me then, and it is really offensive to me now. The idea that somehow American soil is not part of the battlefield blows me away.

Mr. MCCAIN. Mr. President, will the Senator yield for a question?

Mr. GRAHAM. Mr. President, I will in a moment.

Let me make this real to you. We will have a big debate. I would love to have a hearing.

This guy pictured here is Anwar al-Awlaki. He is dead, thank God. He was an American citizen and head of Al Qaeda in Yemen. President Obama put him on the kill list, and we killed him. That is good. Well done, Mr. President.

If you are an American citizen and you go to Yemen and join Al Qaeda, I hope you get killed too. If we capture you, you will have your day in court to argue that you are not part of Al Qaeda, that we have it all wrong, and the government has to prove that you in fact are. But if the government can make that argument, the last thing I want somebody like this to hear is ''Hey, you have a right to remain silent.'' I don't want these people to remain silent; I want to hold them as enemy combatants and gather intelligence. I don't want to torture them. I don't want to beat them up. But I don't want to put them in Federal court and act like it is not part of the war. I don't want to criminalize the war; I want to make sure you have due process consistent with being at war.

What Senator LEE and others are suggesting is that if this guy made it to America, came back to his homeland, and we shot him on the steps of the Capitol and he survived, we would have to read him his Miranda rights and we couldn't hold him to find out under military interrogation what he knows about this attack and future attacks. So what you do when you go down this road is you stop the ability to gather intelligence at a time we need more information, not less.

I am not going to belabor this point any more. As you can tell, I strongly disapprove of having this debate now without another hearing, going down this road, because so much has changed. And I hope you respect where I am coming from. I respect your passion. I hope you respect my passion on this.

Here is the point: I didn't get all I want, and I am not going to stop the process for others who have done a good thing. Here is what you are going to do because you are worried about something that is not real at this moment because nobody is in custody. You are objecting to finding a solution for something that is real for the moment.

Senator MORAN, what you are worried about is real.

So all I am asking is that before we can get to yes, let's get to yes, and if you can't get everything you want because somebody is passionate on the other side, don't stop everybody else from getting what they want. That, to me, just makes a stronger country, a better Senate.

As you know, I respect you, but I am never going to agree with you, ever, because I have been a military lawyer for 33 years. What you are saying makes

no sense to me. I am sure you are sincere about it. I think it weakens the ability to defend this Nation at a time when we need all the defenses we can get.

I am not suggesting that you would be rounded up by your government, thrown in jail, accused of being an Al Qaeda or ISIL member, and nobody ever hears from you again and you never get a chance to speak. That is not the law, and it has never been the law.

I plead with the Senator, please, please, let's take this issue to the Judiciary Committee where it belongs. Let's have a hearing, mark up the bill in Judiciary, and then do whatever you want to do. Don't stop these two amendments. That is all I am asking.

Mr. MCCAIN. Mr. President, let me also mention a couple of facts. As of 10 o'clock this morning, there were 537 amendments that had been filed—537 amendments—which is always the case with the Defense authorization bill. I am sure that every Member who filed those amendments wanted a vote and a debate on every single one of them, as is their right, but the fact is that we can't do that for a whole variety of reasons, including objections, et cetera. So if every Senator blocked every vote because his or her amendment is not being considered, obviously we would never do anything, which is why we have done so little here on this bill.

Now we are talking about the lives of men who have put it on the line for the men and women who are serving. Don't we have some sense of perspective and priority here? People are going to die, I tell the Senator from Utah. They are going to die if we don't pass this amendment and take them out of harm's way. Don't you understand the gravity of that? Can't you understand that your issue on extended detaining is an important one, but don't you understand these people's lives are in danger as we speak? They have been marked for death. They have been marked for death. Why do you think General Petraeus and General Nicholson and Ryan Crocker and all our most respected military leaders say with great urgency—they say with urgency that we have to do this because they are going to die. They are going to be killed. Doesn't that somehow appeal to your sense of compassion for these people?

Mr. LEE. If the Senator will yield, I will answer——

Mr. MCCAIN. Let me finish.

Don't you understand what is at stake here? Do you respect General Petraeus, General Nicholson, and General McChrystal? Every one of them has written to us and said that these people's lives are in danger and that this is a moral issue.

So you are going to object because your amendment is being blocked, as so many amendments are blocked. Many, many amendments are blocked. If that is good or bad, I don't know, but people object.

Now we are talking about a compelling humanitarian issue that is far more important than humanitarian because we abandon these people, and you can't expect people in future conflicts or in these conflicts we are in to cooperate and help the United States of America if we are going to abandon them to a cruel and terrible death.

This is a serious issue. This is not something that we like to maneuver around what the steering committee wants and how we are going to do all these kinds of things we get mired down in, and we will have the Heritage Foundation write a letter or something like that. This is a matter of life and death, and that issue and challenge is immediate.

So I appeal to the Senator from Utah's humanity, for his compassion, for his ability to save lives here, and let this go through, as the most respected military and diplomatic leaders in the world have urged us to do. I appeal to the life-or-death situation that will entail a lot of deaths if you block this legislation.

Mr. GRAHAM. I object to the modification.

The PRESIDING OFFICER. Objection to the modification is heard.

Is there objection to the original request?

Mr. LEE. I object to the original request.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. LEE. Mr. President, I have been asked by a couple of my colleagues why it is that I couldn't just have the good sense to let their amendments go through. I say let's do it. Let's have it right now. I support the amendment. Let's vote on it right now. Let's vote on Senator MORAN's amendment right now, and let's vote on mine right now.

Now the comparison has been made by the Senator from South Carolina that because he didn't get his vote because someone objected this morning to his amendment dealing with the Export-Import Bank, that I should also have my amendment blocked.

It is important to realize that the Export-Import Bank was not created by a previous iteration of the National Defense Authorization Act. The provision I am objecting to here and the provision I am trying to address here was, in fact, created by a previous iteration of the National Defense Authorization Act. It was passed in 2011 with, I believe, far too little consideration, without the American people being aware of what they were doing, and it remains on the books to this day.

The next argument made by my friend from South Carolina is an interesting one, which is that this needs more of an airing, needs more of a hearing. He has promised me now a hearing on the Judiciary Committee which he chairs. As much as I appreciate that gesture, that is not enough.

Let me replay a couple of things. First of all, I have been working on this for 5 years. I got a vote on it 4 years ago, and 67 Senators voted for it. It was removed in a conference committee. Someone said there was confusion as to why it was removed in a conference committee; regardless, it was removed. I have been trying ever since then, in subsequent iterations of the Defense authorization act, to get another vote on it.

I served on the Armed Services Committee, and I was told by the chairman, my distinguished colleague, the senior Senator from Arizona last year—I told him I wanted to bring it up in committee. He said: You can't bring it up in committee because there is a jurisdictional issue with the Judiciary Committee. That is better dealt with on the floor.

I said: OK. I will deal with it on the floor.

We got to the floor. I was blocked from operating on the floor. It didn't happen.

So this year I was told: You can't bring it up in committee. There is a jurisdiction issue. You are best served waiting for the floor for that.

I said: OK. I will wait for the floor.

I brought it up again this year. Now I have been told by the chairman of the Armed Services Committee, the senior Senator from Arizona, that we will deal with it next year. I have been told by the Senator from South Carolina that he will deal with it at some unknown point in the future in a hearing—not markup, just a hearing—in a subcommittee of the Judiciary Committee which he chairs.

So we are talking about an issue now that was brought up 5 years ago, and I am being told again and again to wait, to wait, to wait more. This is an issue that got the vote of 67 Members of our body 4 years ago. This is an issue that was brought about by a previous iteration of the National Defense Authorization Act. This is the appropriate vehicle in which to address this.

This is not a frivolity. This is not just some nicety. This is not some parochial interest. This is a basic human rights interest. This is an interest that relates to some of the most fundamental protections in the U.S. Constitution.

When you say that you want to lock up American citizens detained on U.S. soil without charge, without trial, without access to a jury, indefinitely, for an unlimited period of time, you are implicating at a minimum the Fourth, the Fifth and the Sixth and Eighth Amendments to the Constitution. These are very significant.

My friend from South Carolina says we just need to take a deep breath and deal with this another day. Why does the status quo—the status quo which is insulting to the history, the traditions, the text, the context of the U.S. Constitution—why should that be the status quo? Why should we wait to deal with this? Why should the status quo be one that is insulting to the American people, one that is insulting to the

descendents of those Japanese Americans who were interned in World War II indefinitely without charge, without access to trial, without access to the jury system, without access to their fundamental rights under the Fourth, Fifth, Sixth, and Eighth Amendments under the Constitution, among others? Why should that status quo prevail?

Why, moreover, should someone who is concerned about these issues—these fundamental human rights issues, these fundamental constitutional rights issues—why should someone who is concerned about those be maligned and accused of not caring about individuals who would be harmed by the non-passage of another amendment? Why should that person be blamed when that person—I—is willing to allow a vote on the Shaheen amendment, on the Moran amendment, as long as they give me a vote on my amendment—an amendment that was allowed a vote 4 years ago, an amendment that received 67 votes—a veto-proof supermajority—only 4 years ago?

So, having been told again and again n, wait until next year, wait until next year, wait until the next committee process, wait until the next floor process, after a while, one begins to discern a pattern. That is a pattern that I am discerning.

There is another pattern that I discern, which is a pattern in which when you allow government to exercise a certain power, even if it might not being exercised at the moment, eventually it will. That is why we put precautionary language within our laws. That is why we have rights in our laws. What are rights, after all, but statements of law that restrict action by the government?

As Madison noted in Federalist 51, the government is a reflection of human nature. To understand government, you have to understand human nature. If men were angels, we would have no need of a government. And if government could be administered by angels, we would have no need for these external constraints on government, on its ability to exercise power. But we have learned through sad experience that when human beings get power and when they get excessive power, sometimes they abuse that power, so we have to constrain it. And it is important that we decide that we are going to constrain it before the moment arrives, lest we see another Korematsu moment, lest we see the internment of more American citizens without charge, without trial, on an indefinite basis, on the basis of mere accusations—accusations unproven, accusations untested by a jury.

The whole reason for having a Constitution rests on this understanding. This fundamental understanding is that when government power grows, when it expands, it does so at the expense of individual freedom, and it sometimes does so at great risk to the human soul, at great risk to the ability of an individual to remain free.

I am all in favor of the Shaheen amendment. I am all in favor of the Moran amendment. Let's have a vote on those two amendments and on the amendment that I have proposed, an amendment that is limited and an amendment, I should note here, that would not foreclose the ability of this body down the road to identify the changed circumstances of the sort that some of my colleagues have referred to. It simply says that if the government is going to do this, there has to be a plain statement, a clear statement; that it has to do so expressly; that Congress must expressly authorize this kind of action either in a declaration of war or an authorization for the use of military force. I don't think that is too much to ask, especially given the types of constitutional protections we are dealing with.

If, in fact, we are going to call the American homeland—if, in fact, we are going to call the territorial jurisdiction of the United States of America part of the battlefield, ought we not to have a declaration of war, an authorization for use of military force that identifies it as such? I mean, after all, the precedents that we are talking about, the precedents upon which this theory is based are premised on this idea that you have enemy combatants who become part of an enemy's fighting force, as was the case of Ex parte Quirin, where you had American citizens going over to Germany, putting on a German uniform, and fighting for the Germans. That was part of that war. They were enemy combatants on the battlefield.

There was Ex parte Milligan, where you had Confederate rebel soldiers who were enemy combatants on the battlefield fighting against the United States. So if we are willing to do that, we need a declaration of war. We need an authorization for the use of military force that states so expressly. That is the sole purpose of my amendment. I don't think that is unreasonable. In fact, I think that is necessary.

So I would like to get this done. I would like to get this done. We can get this done today. Let's have votes on all three amendments.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I guess, finally, I woke up in the middle of the night last night thinking about this issue. It made me think of a long time ago when I saw a lot of brave Americans die, some of them in aerial combat. Several times I thought that perhaps I could have prevented their deaths by being a better airman or taking certain actions. It bothers me to this day.

I can't imagine how it must bother someone who is literally signing the death warrants of some people who in their innocence decided they would help the United States of America. I could not bear that burden. I believe that what we are doing here by blocking this amendment that allow would these wonderful people, as described by all of our leaders, to leave a place where death is almost certain—at least in the case of some of them—because of some exercise that would have no immediate effect, is that we are blocking this ability to save lives. I do not understand.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROUNDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROUNDS. Mr. President, as the Senate continues to consider the National Defense Authorization Act, the NDAA, I rise today to discuss an amendment in support of my constituents who are military retirees, as well as military retirees in many other States.

My amendment would change a provision being proposed in this bill that requires military retirees and their families who don't have easy access to a military treatment facility, such as on a base, to unfairly pay higher copays for their prescription medications. TRICARE provides health care services for our servicemembers, our military retirees, and their families.

Using TRICARE, military retirees can get free prescription drugs at a military treatment facility. In other words, our military retirees who live close to a base have no copays for their prescription drugs. However, if they draw these prescriptions from a retail pharmacy or through the TRICARE-approved mail order system, they are required to make a copayment.

My amendment deals with a provision in today's bill that directs the Department of Defense, or DOD, to increase these copayments that military retirees obtain from a retail pharmacy or through mail order rather from a military treatment facility. The provision will require those military retirees who live far away from a base, without easy access to a military treatment facility, to get their prescriptions and to pay more for their use of retail pharmacies and mail order.

Why would anybody seek to make it more expensive for our military retirees to receive a benefit they have been promised just because they live far away from a military treatment facility? The answer is simple. It is sequestration. We are making cuts to an existing budget. This provision was inserted as a cost-savings measure, one that tries to balance and measure out the costs based upon or demanded by sequestration.

But we are doing it on the backs of military retirees. It is being done to try to make some tough budget decisions. But this arbitrary cost-cutting measure is estimated to cost our military retiree families in rural areas—

and I emphasize ''in rural areas''—$2 billion over the next 10 years. I don't think it is fair for us to make those who live in rural areas—rural years like South Dakota—to pay a higher copay because of where they live.

We have made promises to these men and whom who made incredible sacrifices to protect our country that they would be able to have adequate health insurance coverage, including access to prescription drugs and medicines. It is not fair to make them bear a $2 billion cost for prescription drugs simply because of where they live. My amendment would stipulate that if a military retiree lives more than 40 miles from a military treatment facility, they would not be saddled with this additional copay.

Further, my amendment would require an assessment by the Department of Defense of the added costs that would be borne by these military retirees and their families as a result of increased TRICARE prescription drug copays. This will enable Congress to make reasonable future decisions with regard to increased TRICARE prescription drug copayments that may have a disproportionate impact on those living distant from military treatment facilities.

I appreciate the opportunity to discuss my amendment, which would rectify a serious effect on military retirees and their families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

FOREIGN POLICY

Mr. BARRASSO. Mr. President, like many people in this body, I was home last week in Wyoming honoring the sacrifice of America's veterans. Every day we see evidence of just how much America relies on our men and women in uniform to keep us safe, to keep us free, to fight for our freedoms, to fight for our safety. Every day we get fresh reminders that the world continues to be a very dangerous place.

So to me it is disturbing that the Democrats in Washington have done so much to slow down our efforts to provide for America's troops—troops we need for our national defense. The National Defense Authorization Act that we are debating here sets important policies and priorities that have a great effect on our national security.

A strong American military is absolutely essential—essential as we need to address the world's dangers that we face overseas before they become direct threats here at home.

So when I consider legislation like this, I try to keep one thing in mind: If we want to make America safe and secure, then we need to provide the greatest possible security for our country while maintaining the greatest possible freedom for the American people and also at the same time improving America's standing in the world.

So when I look back over the past 7 years, I have to ask the Obama administration—ask of the Obama administration and ask all Americans and anyone listening in today—how the Obama administration's foreign policies have met the goals of greatest possible security, greatest possible freedom, and improving our standing in the world.

I just think that in far too many cases, in too many parts of the world, the only honest conclusion is that the policies of the Obama administration have actually failed. Now, I am not the only one that thinks so. I found it very interesting when you take a look at what former President Jimmy Carter has to say when he was asked about this. He said this about President Obama: ''I can't think of many nations in the world where we [the United States] have a better relationship now than we did when he [President Obama], took over.''

He went on to say that the United States' influence, prestige, and respect—think about this: influence, prestige and respect—in the world is probably lower now than it was 6 or 7 years ago. This is a former President of the United States, a Democratic President of the United States, Jimmy Carter.

So let's look at some examples. It has been more than 5 years since the start of the uprisings in Syria. In August of 2011, President Obama responded by calling on Bashar Assad to step aside. A few months later, Secretary of State Hillary Clinton said that it was only ''a matter of time before the Assad regime would fail.'' Well, that was more than 4 years ago. Assad is still there. ''A matter of time,'' she said.

The Obama administration did not back up its words, and any meaningful support for the moderate opposition in Syria was not there. They did nothing. The President did nothing to enforce the so-called redline that he drew on Assad's use of chemical weapons against his people. Assad used the chemical weapons, and the President of the United States did nothing.

The administration's weak response in Syria essentially gave a green light for Assad to continue and a green light for Russia to come in and pump up and protect Assad. So I find it interesting when you take a look at what the President of the United States has done. If you go to the Washington Post for Tuesday, June 7, this was the headline:

Empty words, empty stomachs.

Syrian children continue to face starvation as another Obama administration promise falls by the wayside.

That is what we see with Barack Obama, another Obama administration promise falling by the wayside. Thousands and thousands and hundreds of thousands killed. The President's redline became a green light. So the invitation came for Russia to come in. They have done that.

Well, what else has Russia done over the past 7 years? Remember how the Obama administration launched its so-called Russian reset? President Obama was so intent on resetting the U.S. relations with the Kremlin that he showed a complete lack of resolve. He gave Russia one concession after another in the new START treaty. That was in 2010. He had only become President in 2009. In 2010, there was one concession after another.

President Obama showed Vladimir Putin that the American President, Barack Obama, could easily be pushed around. Under this treaty, America is cutting our nuclear arsenal while Russia is expanding theirs. It was allowed by the treaty. This is the President's ''best he could do.'' Russia responded to the reset. We remember Hillary Clinton there pressing the reset button. Russia responded to the reset of relations by sending troops into Ukraine, by annexing Crimea. Russia moved.

President Obama shows weakness, and Russia moves. Yes, Vladimir Putin is a thug. When President Obama shows weakness, Putin does the things that thugs do. But that is the Obama administration for you. The administration's policy on Russia has not provided the greatest possible security for America—not at all.

But let's look at Iran. Last week President Obama gave a very political speech at the graduation ceremony at the U.S. Air Force Academy in Colorado Springs.

He criticized Republicans for questioning the treaties he negotiates. To me, it seems more like capitulates rather than negotiates. While President Obama negotiated a major treaty with Iran over their illicit nuclear weapons program, he said it was this or war. He thought the treaty was so great he didn't want the Senate to have a chance to review it. That was it, his way or no.

In his State of the Union Address in January, he said that because of the nuclear deal with Iran, ''the world has avoided another war.'' These are President Obama's words.

This is complete fiction, complete fiction. The choice was never between his deal and another war. It was a choice between a bad deal and a better deal, and President Obama chose a bad deal.

As they say in the military, if you want it bad enough, you get it bad. And that is what we got, a lesson President Obama apparently never learned.

We have learned from an interview with one of the President's top advisers that this was something the administration knew all along. This adviser, Ben Rhodes, bragged about creating an echo chamber to help deceive—intentionally designed to deceive the American people about the agreement.

Let's go back. Before the nuclear deal, there was actually an international ban on Iran testing ballistic missile technology. A ban was in place. What is happening today? Well, Iran is right back to doing the tests.

I remember the administration promising the inspectors would get access to

Iran's nuclear facilities. They said anywhere, anytime, 24/7. That is what Ben Rhodes said. It turns out it is more like 24 days, not 24/7. That is the kind of notice that now is needed prior to access.

So how is it working for Iran? Well, the Iranian economy is benefiting from access to $100 billion because the Obama administration gave them sanctions relief. What are they going to do with the money—build roads, build hospitals, help educate the young? Don't count on it because even the President's National Security Advisor admits some of this money is going to be used by Iran to keep supporting terrorist groups. We see it. We know it—Hamas, Hezbollah, and the Houthis in Yemen.

President Obama wanted to get a deal with Iran so badly that he got a very bad deal, a bad deal—not for him—for the American people, for our country. The President and his foreign policy team were willing to say anything to sell this deal to the American people. The administration's policy in Iran has not provided the greatest possible security for America.

I could go on and on talking about more places around the world. Members of this body are fully aware. The American people are fully aware of the failures of this administration. There are so many places where America does not have a better relationship now than we did when President Obama came into office—just like Jimmy Carter said: ''I can't think of many nations in the world where we have a better relationship now than when [President Obama] took over.''

So President Obama is going to spend the rest of his time in office trying to create an echo chamber. He will try to convince people around the world that his foreign policy has been a success, but The Economist magazine recently noted America, under President Obama, has been a foreign policy—in their words—''pushover.''

As the Senate considers this vital national security legislation, the National Defense Authorization Act, I think it is important that we honestly evaluate what the President's record really is, and today the world is less safe, less secure, and less stable than it was 7 years ago. The President and all the people who have been a part of his foreign policy team over the years will say whatever it takes to try to hide and disguise the facts. It is time to block out the echo chamber. It is time to ignore the spin. We need to make sure we are providing the greatest possible security for America while maintaining the greatest possible freedom for the American people and improving America's standing in the world. That is our responsibility as a legislative body.

For decades upon decades, America has been the most powerful and respected Nation on the face of the Earth. Under President Obama, American power has declined and respect around the world has evaporated.

President Obama was given the Nobel Peace Prize in 2009. It was completely undeserved, and it deserves to be removed from him if something like this could actually be done. Unfortunately, it is not possible to revoke a Nobel Peace Prize. In this case it should be. That prize remains undeserved.

American men and women in uniform deserve better than what they have gotten from their Commander in Chief. It is now up to Congress to make sure they receive the support, the equipment, and the technology they need to protect our country and our citizens.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, the Federal Government's No. 1 responsibility is to protect the American people. As the Obama administration approaches its final months, the American people still do not feel, with any degree of confidence, that Washington is taking the proper steps to carry out that responsibility. The Islamic State terror group has repeatedly encouraged sympathizers in the West to launch domestic attacks. In the group's self-declared caliphate in Syria and Iraq, it continues to carry out atrocities on a daily basis.

ISIS has no intention of letting up, and the President's strategy of scattered attacks is doing little to slow the terror groups' strength. A group President Obama once dubbed the JV team has become a clear and serious threat during his watch.

That is just one of the many failures during this administration's foreign policy which is rooted in wishful thinking rather than grounded in reality. The idea that we can wish away the Nation's threats that our Nation faces by passively withdrawing from the international stage is a dangerous approach. It is this mentality that the President and his aides used to justify not calling jihadi attacks what they are, radical Islamic terrorism. The President has convinced himself that radical Islamic terrorism will not be a threat if we just call it something else. Clearly, this is not true.

It is the same mindset that thinks closing Gitmo and moving dangerous terrorists to U.S. soil is the right thing to do, and it is how we ended up with a deal that does nothing to prevent Iran from going nuclear but instead emboldens it to belligerently threaten the United States, our allies like Israel, and its neighboring Arab States.

The regime in Tehran acts as if it is virtually untouchable as a result of the Obama administration's agreement. Iran has no intentions of being a responsible, peaceful player in the international community. Even before the deal's implementation, Iran shamelessly violated U.N. Security Council mandates. Now, free from sanctions, the Iranians are flush with resources to build an arsenal to fund terror across the region. None of this seems to matter to the White House, which was bent on making this deal the cornerstone of its foreign policy.

The administration was so determined to sell this deal that it engaged in a propaganda campaign, enlisting outside groups to create an ''echo chamber'' and feeding material to a press corps that White House staffers said ''knew nothing'' about diplomacy. The administration even took extreme steps to keep the uncomfortable truths from the American people by removing a damaging exchange about whether officials lied about secret talks with Iran in 2012.

All of this just adds to the perception that the Obama administration was willing to go to any length to get this deal done, no matter how bad it is for our national security.

Senate Republicans have tried to correct this, of course. We wanted to stop this ill-advised Iran deal, but the minority leader forced his caucus to protect the President's legacy.

We have taken efforts to force the President to present a coherent plan to defeat ISIS abroad and to protect Americans here at home. That plan is still nonexistent.

We have inserted language into law after law to prevent the closure of Gitmo. In fact, the President is once again threatening to veto the bill we are currently considering, in part, due to the language that prevents closure of the facility.

We shouldn't be moving dangerous terrorists out of Gitmo. If anything, we should be moving more terrorists into Gitmo. The state-of-the-art facility is more than serving its purpose for detaining the worst of the worst, obtaining valuable intelligence from them, and keeping these terrorists who are bent on destroying America from returning to the battlefield.

A report from the Washington Post yesterday indicates that the Obama administration has evidence that about a dozen detainees released from Gitmo have launched attacks against the United States or allied forces in Afghanistan that have resulted in American deaths.

As the threat posed by ISIS grows, Gitmo remains the only option to house these terrorists. Any facility on U.S. soil is not an option. It never was with Al Qaeda terrorists, nor can it be with ISIS terrorists.

The President has failed to understand the gravity these terrorists pose to our homeland. Radical Islamic terrorists around the globe are pledging allegiance to the group and, as we have seen in Paris, Brussels, and San Bernardino, they are committed to and capable of hitting Westerners at home.

The President has never presented a strategy to Congress for eliminating ISIS, and our sporadic airstrikes have done little to stop the group from pressing forward and attempting to strengthen its global reach.

While ISIS grows and the United States sits idly by, Iran, Russia, China, and North Korea have ramped up their belligerent actions, putting our security at risk around the world. This will

only continue to increase if we continue to chase the diplomacy to the point where it puts the safety of the American people at risk, to the point where any leverage the United States started with is gone, and to the point where we withdraw from conflicts with enemies because it is easier to allow someone else to fight the battle.

We are trying to fix the problems created by the Obama administration's failures so we can restore the confidence of the American people that their government is working to protect them here and abroad. Passage of the bill before us this week is a good step in the right direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I am not on the floor to interrupt any kind of debate relative to this bill, but given the fact we are at a stalemate situation and nobody is on the floor, I thought I would at least highlight a foreign policy speech I have been wanting to give. I plan to do it in significant detail on Monday, if the hours work out as I think they will.

Let me just take this short amount of time to summarize some of what I have been thinking and that I think is something my colleagues and all of us ought to be thinking about in terms of our foreign policy. Of course, it is related to our national defense, and that is what we are debating today, supporting our military. It is unfortunate we are in the situation we are in, but nevertheless I wish to take a few minutes to discuss what the next President will be inheriting—whomever that President turns out to be, a Republican or Democrat and potentially, I guess I should say, an Independent, although I don't think that will happen.

The next President is going to be faced with a bucket full of foreign policy issues that President is going to have to deal with. As I said, I hope to speak next week at some time in greater length about the challenges our President will face, but let me summarize a few key points that deserve further discussion among my colleagues, and, hopefully, by the Presidential candidates during the election campaign.

It is clear to me, and I believe it is clear to my Senate colleagues, that the President has failed to clearly define America's global role and a coherent strategy to pursue that goal. It is equally clear that his vision of America's role has been woefully inadequate to respond to the growing crises throughout the world.

Someone earlier here mentioned, and I had mentioned before, that the world is on fire. The Director of National Intelligence, James Clapper, with 51 years of service in the intelligence world, has said he has never seen anything like this in his 51 years of service—the multitude of crises that exist around the world and that we are confronted with. As the world's leading Nation—the Nation that has provided freedom for hundreds of millions, if not billions, of people by taking the lead to fight terrorism, to fight the evil that exists in this world—it is important we understand America's decisions. The decisions made by America's leaders have enormous impact on events around the world.

For nearly 8 years, we have been trying to read the President's foreign policy tea leaves to divine his purposes and methods of a foreign policy that, to me and to many, seems chaotic, ad hoc, and directionless. We don't know what the administration is trying to accomplish—whether we should or should not engage and at what cost it would be. These all remain mysteries—mysteries to us here in the Senate, where we have an obligation to advise and consent on foreign policy, and to the American people, who continue to ask us: What is going on here? What is America's role? What are we doing? What should we be doing? What is the debate?

The task is made even more daunting by the crisis-ridden world we now face. The next President will face foreign policy challenges from across the globe, but three stand out that I would especially like to touch on this evening and that I think are especially dangerous. Those three are the Middle East, Europe, and Russia.

Let's look at the Middle East. The region is disintegrating. We are now in the midst of the most profound and dangerous redefinition of the region since the end of the Ottoman Empire in 1917. Borders, regimes, stability, and alliances are all being swept away with no clear successors.

In the center of all of it is ISIS—the most lethal, best funded, dangerous terrorist organization in history—created and metastasized in a vacuum largely, unfortunately, of our own making.

At the same time, the civil war in Syria is continuing into its sixth year. The war has created nearly 300,000 dead, with millions of refugees and internally displaced persons and with no end in sight.

Iran continues its long history of destabilizing, hostile activities in the region, now growing its disruptive capacity in the wake of the misbegotten nuclear deal.

Europe is dealing with the largest refugee migrant flow since World War II. This migration is entirely unsustainable and unmanageable, threatening European unity and individual state stability. This crisis could unravel the EU itself and cost trillions of euros. More than that, it is a humanitarian disaster.

The Supreme Allied Commander Europe, General Breedlove, in a discussion I had with him not that long ago, correctly said the migration flow has been ''weaponized.'' He argues the migration crisis has become a cover for flows of dangerous terrorists to Europe and beyond.

Our Russia policy is one of the biggest and most long-term failures of American leadership in our age. The administration's infamous reset of Russian policy, loudly championed at the time by Mrs. Clinton, by the way, preceded Russia's invasion and annexation of a neighbor.

Since the so-called reset with Russia, Russia has acquired a vastly greater role in the Middle East, where Russia had not before been present, much less dominant. It has demonstrated reliability as a modern capable military partner, in contrast with our own unreliability.

These are just three of the crises the next President will face. James Clapper, speaking at a public hearing before the Senate Select Committee on Intelligence, handed out the current assessment of the crises the world faces. It was 29 pages long, with eight regional crises—I named three of them—and each one of them posing a significant threat to world order and to our own people here in the United States.

Since that reset, Russia has acquired a vastly greater role, as I have said. The next President is going to have to face not just these three major crises but many, many more, and I will talk about some of them next week.

We need a policy from this President and from the White House that is based on a clear linkage to U.S. national interests and that will articulate a coherent strategy to guide policy and actions that we take; that will be an accurate assessment of consequences, both short-term and long term; that will be transparent, with candor and realism; that will have ensured resources adequate to secure the defined policy or task that is being laid out; and that will show strength and leadership coming from the Nation that every other free nation in the world depends upon for guidance, for strength, as an ally or coalition.

The American people are yearning for a coherent foreign policy that is clear-eyed, articulate, transparent, and with common sense. They want to see it, and they want to understand it, and we have an obligation to let them know what it is. We are not going to get that out of this administration. That is clear. There continues to be confused, behind-the-curve reaction to world events and a lack of a solid policy to deal with it.

If the next President can give the American people a coherent foreign policy that is clear-eyed, articulate, transparent and with common sense, we will once again begin to reassert ourselves in terms of being a nation dedicated to finding peace and solutions to major crises around the world. But if we remain guessing about purpose and direction, while the world disintegrates around us, our sons and daughters will pay a great price. As a consequence, America will continue to be a nation in retreat, and the free world will be confused and looking for a leader.

With that, I yield the floor, as I notice another of my colleagues on the floor to speak.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GASPEE DAYS

Mr. WHITEHOUSE. Mr. President, I come here, as I do every year in the Senate, to commemorate the anniversary of a brave blow that Rhode Island struck for liberty and justice—the Gaspee Affair of 1772.

On the night of June 9, and into the morning of June 10, 1772, in the waters of Rhode Island, a band of American patriots pushed back against their British overlords and drew the first blood of the struggle that would become the American Revolution.

American schoolchildren, the pages here in this room, and all of us no doubt learned in their history books of the Boston revelers who painted their faces and pushed tea into Boston harbor. But those same history books often omit the tale of the Gaspee, a bloodier saga, which occurred more than a year earlier.

As tensions with the American colonies grew, King George III stationed revenue cutters, armed customs patrol vessels, along the American coastline to prevent smuggling, enforce the payment of taxes, and impose the authority of the Crown. One of the most notorious of these ships was the HMS Gaspee, stationed in Rhode Island's Narragansett Bay. The Gaspee and its captain, Lieutenant William Dudingston, were known for destroying fishing vessels, unjustly seizing cargo, and flagging down ships that had properly passed customs inspection in Newport only to interrogate and humiliate the colonials.

''The British armed forces had come to regard almost every local merchant as a smuggler and a cheat,'' wrote author Nick Bunker about that era. Rhode Islanders chafed at this egregious disruption of their liberty at sea, for ''out of all colonies, Rhode Island was the one where the ocean entered most deeply into the lives of the people.'' Something was bound to give.

The spark was lit on June 9, 1772, when the Gaspee attempted to stop the Hannah, a swift Rhode Island trading sloop that ran routes to New York through Long Island Sound, bound that afternoon for Providence from Newport. When the Gaspee sought to hail and board the Hannah, the Hannah's captain, Benjamin Lindsey, ignored Lieutenant Dudingston's commands. As the Gaspee gave chase, Captain Lindsey veered north toward Pawtuxet Cove, toward the shallows off Namquid Point—known today as Gaspee Point—knowing that the tide was low and falling and that the Hannah drew less water than the Gaspee. The Hannah shot over the shallows off the point, but the larger Gaspee ran dead into a sandbar and stuck fast in a falling tide.

Captain Lindsey wasted no time in reporting the Gaspee's predicament to his fellow Rhode Islanders, who rallied at the sound of a beating drum to Sabin's Tavern in Providence. They resolved to end once and for all the Gaspee's menace in Rhode Island waters.

That night, the men shoved off from Fenner's Wharf, paddling eight longboats quietly down Narragansett Bay, under a moonless sky, toward the stranded Gaspee. As told by LCDR Benjamin F. Armstrong in Naval History Magazine, they were led by Captain Lindsey and Abraham Whipple, a merchant captain who had served as a privateer in the French and Indian War and who would go on to command a Continental Navy squadron in the Revolution. Armstrong describes the excursion as ''an increasingly rowdy group of Rhode Islanders who were ready to strike out at the oppressive work of the Royal Navy.''

Beware, increasingly rowdy groups of Rhode Islanders will be our lesson.

The boats silently surrounded the Gaspee, then shouted for Lieutenant Dudingston to surrender the ship. Surprised and enraged, Dudingston refused. Armstrong recounts the fierce, if brief, fight that ensued:

> Dudingston shouted down the hatch, calling for his crew to hurry on deck whether they had clothes on or not, and then ran to the starboard bow, where the first of the raiding boats were coming alongside the ship. He swung at the attackers with his sword, pushing the first attempted boarder back into the boat. Then a musket shot rang out. The ball tore through the lieutenant's left arm, breaking it, and into his groin. He fell back on the deck as the raiders swarmed over the sides of the ship. Swinging axe handles and wooden staves, the raiders beat the British seamen back down the hatchway and kept them below decks. Dudingston struggled aft and collapsed in his own blood at the companionway to his cabin at the stern of the ship.

The struggle was over. One of the Rhode Islanders, a physician named John Mawney, tended to Dudingston's wounds. The patriots commandeered the Gaspee, loaded the British crew onto the longboats and took them ashore, and then set combustibles along the length of the Gaspee. They set her ablaze, and watched from a hillside onshore as the ship burned.

When the fire reached the ship's magazine, this is what ensued. The Gaspee was no more.

You can be sure that the British authorities immediately called for the heads of the American saboteurs. An inquiry was launched and a lavish reward was posted. But even though virtually all of Rhode Island knew about the attack, investigators were able to find no witnesses willing to name names. The entire colony seemed afflicted with a terrible case of amnesia.

William Staple's ''Documentary History of the Destruction of the Gaspee'' describes this distinct cloudiness of Rhode Island memories.

James Sabin said: ''I could give no information relative to the assembling, arming, training or leading on the people concerned in destroying the schooner Gaspee.''

Stephen Gulley said: ''As to my own knowledge, I know nothing about it.''

John Cole said he ''saw several people collected together, but did not know any of them.''

William Thayer was asked: ''Do you know anything?''

He said a simple ''No.''

D. Hitchcock said: ''We met at Mr. Sabin's, by ourselves, and about 8 o'clock, I went to the door, or, finally, kitchen, and saw a number of people in the street, but paid no attention to them.''

Arthur Fenner said: ''I am a man of seventy-four years of age, and very infirmed, and at the time said schooner was taken and plundered, I was in my bed.''

Completely frustrated by the Rhode Islanders' stonewalling, the British commissioners dropped the inquiry, finding it ''totally impossible at present to make a report, not having all the evidence we have reason to expect.''

Nick Bunker wrote, ''The British had never seen anything quite like the Gaspee affair. . . . Like the Boston Tea Party, their attack on the ship amounted to a gesture of absolute denial: A complete rejection of the empire's right to rule.''

Rhode Islanders had grown accustomed to and fiercely protective of a level of personal freedom unique in that time. ''Even by American standards,'' says Bunker, Rhode Island ''was an extreme case of popular government.''

As Frederic D. Schwarz noted in American Heritage magazine, one of the exasperated British investigators even scorned the Rhode Island Colony as ''a downright democracy.''

This Rhode Island independence streak was well known to the British imperialist. But the burning of the Gaspee foretold greater struggles to come. In the words of Commander Armstrong:

> [British officers] were beginning to realize there was something more dangerous out on the water and in American harbors. Alongside the salt air and the smell of wet canvas was the scent of treason. A revolution began on the sandbar of Namquid Point—in the spot that bears the name Gaspee on today's charts of the Narragansett.

Oh, and Boston: Nice job a year later with the tea bags.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I am proud to stand once again with Senator GILLIBRAND in support of the Military Justice Improvement Act.

Two years ago, Congress enacted a number of commonsense reforms as part of the National Defense Authorization Act. These changes were mostly good, commonsense measures, and I supported them; however, they were not sufficient.

As I said at that time a year ago, we are past the point of tinkering with the current system and hoping that does

the trick. I urged the Senate at that time to support bold actions that would make sexual assault in the military a thing of the past.

Unfortunately, those of us arguing for the Military Justice Improvement Act did not prevail. We were told to wait and see if the reforms that were included would work, while leaving in place the current military justice system. Well, we have had time to see if things have really changed. They have not. The rate of sexual assault in the military is unchanged.

Forty-two percent of servicemember survivors who reported retaliation were actually encouraged to drop the issue by their supervisor or someone else in the chain of command. That means a crime was committed, and you shouldn't bother to report the crime.

A majority of servicemember survivors indicated that they were not satisfied with the official actions taken against the alleged perpetrator.

Three out of four survivors lacked sufficient confidence in the military justice system to report the crime. Isn't that awful. If we didn't have confidence in the local police to report a crime, we know just how high the crime rate would go. I suppose somebody is going to tell me that can't apply to the military, but it does. In fact, there has been a decrease in the percentage of survivors willing to make an unrestricted report of sexual assault.

Two years ago, when military leaders were arguing against the reforms Senator GILLIBRAND and I and others were advocating, Congress was provided with data from military sexual assault cases that we now know was very misleading. But those statistics and data, quite frankly, carried great weight with a lot of our colleagues here in the Senate. We were told at that time that military commanders were taking cases that were ''declined'' by civilian prosecutors. The implication was very clear, as we were told that things will be all right; the military system results in prosecutions that civilian prosecutors turn down.

An independent report by Protect Our Defenders and reported by the Associated Press shows that there was no evidence that the military was taking cases that civilian prosecutors would not take.

When Senator GILLIBRAND and I wrote to the President asking for an independent investigation of how this misleading information was allowed to be presented to Congress, guess what. We received a response from Secretary Carter, and that response said it was all a misunderstanding. The Secretary's response went into a semantic discussion of the meaning of certain terms.

Apparently, in the military justice system, when a civilian prosecutor agrees to defer to the jurisdiction of the military to prosecute a case, it is listed as a ''declination.'' Such a situation is very different—very different—from a civilian prosecutor refusing to prosecute a case. If the military asks the civilian prosecutor to defer to the military's jurisdiction or if it is done by mutual agreement, it is not a case of a civilian prosecutor turning down a prosecution.

As I said, a review of the cases used to back up the Department of Defense's claims last year found no evidence that civilian prosecutors had refused those same prosecutions. Nevertheless, that was the clear implication of the statistics supplied to Congress by the Pentagon last year, and we were all sucked into that.

The response to our letter to President Obama claimed that the authors of that review just didn't understand the meaning of the term ''declined'' as it is used in the military justice system. The reality is that the information the Pentagon provided to Congress was obviously presented in a very misleading way.

So this question: When military leaders claimed that civilian prosecutors had declined to prosecute cases that the military then prosecuted, would it have had the same impact if they added a footnote saying that, in this context, ''declined'' doesn't really mean declined?

To summarize, the reforms we were told would reduce military sexual assaults haven't worked. And, folks, a rape is a rape, and a rape is a crime, and it needs to be reported, and it needs to be prosecuted. And, of course, a chief rationale for opposing our reform of the military justice system was based on very misleading data, as I hope I have made very clear.

So how many more lives need to be ruined before we are ready to take bold action? If a sexual assault isn't prosecuted, predators will remain in the military, and that results in a perception that sexual assault is actually tolerated in the military culture. That destroys morale, and it also destroys lives. The men and women who have volunteered to place their lives on the line deserve better.

Taking prosecutions out of the hands of commanders and giving them to professional prosecutors, who are independent of the chain of command, will help ensure impartial justice for the men and women of our armed services. That is what Senator GILLIBRAND's and my amendment is all about.

Let's not wait any longer. Let's not be sucked into certain arguments that we have been sucked into in the past. Let's stand up and change the culture of the military so that people are prosecuted when they do wrongdoing. Let's get it done, and get it done on this reauthorization bill.

Mr. GRASSLEY. Mr. President, one of the issues being discussed this week is the restrictions on the transfer of Guantanamo detainees to the United States. In November 2015 and in previous years, President Obama has signed annual defense bills that include a prohibition on the use of Federal funds to close Guantanamo. The National Defense Authorization Act, NDAA, for 2017 keeps this crucial prohibition.

Today I want to discuss one of the often-overlooked reasons why that prohibition should continue: the troubling immigration implications of transferring dangerous terrorist detainees from Guantanamo to the United States.

This is a serious issue with serious consequences, and it is one that hasn't always been considered as prominently as it should be. A March 2016 report by the Center for Immigration Studies highlighted this problem, and I will mention that report again in a moment.

About 80 detainees remain at Guantanamo today. In April of this year, nine detainees were released and returned to Saudi Arabia. According to media reports, one of the most dangerous terror suspects at Guantanamo was among those released, and he was still committed to jihad and killing Americans. He and the rest of the nine released terrorists could very well return to the battlefield after their so-called rehabilitation program in Saudi Arabia.

Rowan Scarborough of the Washington Times writes that this is exactly what has happened with about 30 percent of the detainees that were released from Guantanamo: they have resumed or are suspected of restarting, terrorist activity.

In fact, Obama administration officials have admitted that these detainees are killing Americans. As the Washington Post reported earlier this week, ''at least 12 detainees released from the prison at Guantanamo Bay, Cuba, have launched attacks against U.S. or allied forces in Afghanistan, killing about a half-dozen Americans.'' These numbers will likely increase as our intelligence agencies continue to obtain information. Clearly, these detainees are a deadly group who should be held in Guantanamo for as long as necessary.

Fortunately, right now the NDAA specifically forbids spending taxpayer funds to transfer any of these detainees to the United States. That is why, in a CNN interview earlier this year, Secretary of Defense Ash Carter stated that transferring Guantanamo prisoners to the United States is against the law.

But Secretary Carter also said ''there are people in Gitmo who are so dangerous we cannot transfer them to the custody of another government no matter how much we trust that government . . . we need to find another place and it would have to be the United States.'' But if these individuals are too dangerous for any other country, aren't they too dangerous to bring to the U.S. as well? Why would we bring these jihadist terrorist detainees into the United States when this would pose significant national security risks to the American people?

What particularly worries me about Secretary Carter's statement is that

any transfer of Guantanamo detainees to the United States would apply highly ambiguous legal doctrines that could mean these terrorists would eventually be released on the streets in our homeland.

Very serious questions arise from this proposition, as the immigration implications of such a potential transfer are far from clear. Some of those questions include: What sort of immigration status would the Guantanamo detainees have? May Guantanamo detainees be detained indefinitely? Could Guantanamo detainees apply for asylum? What immigration benefits would the Guantanamo detainees be eligible for? Perhaps most important, how would U.S. courts rule on these issues, particularly if a future court decides that the war on terror has ceased? We've seen Federal courts in the past grant Guantanamo detainees greater rights than Congress intended.

It is my understanding that if these detainees were to be transferred to the United States, it would likely be done by granting them ''parole'' status. Immigration parole does not constitute an admission to the United States, but provides permission to enter the United States. It is supposed to be provided on a case-by-case basis, based on ''urgent humanitarian reasons'' or ''significant public benefit.''

As an initial matter, I don't see how paroling any of these terrorists into the country could be said to be either a humanitarian gesture or one that constituted a ''significant public benefit.'' But in addition to that concern, there is almost no precedent for immigration parole being used as a means of indefinite detention of aliens on U.S. territory. It should be used as a means to an end, such as bringing a criminal to the U.S. to serve as witness in a trial or allowing certain individuals in the U.S. to obtain emergency medical care.

Consequently, as the Center for Immigration Studies report I mentioned before recently put it, ''If the Guantanamo detainees are transferred to the United States, we are faced with the very real likelihood of open-ended immigration paroles, which rely on indefinite imprisonment under undefined, little-understood rules and protocols.''

Given these legal uncertainties, the most likely results for detainees brought to the United States who will not be tried for their terrorist activities, or who the administration otherwise intends to hold indefinitely, are writs of habeas corpus and complaints of violations of the Immigration and Nationality Act.

The war on terror has no end in sight, so these legal actions would inevitably arise as a result of the detainees' newly established presence on American soil and the indefinite nature of their detention.

I would further expect Federal courts to be particularly willing to entertain such writs or other legal actions if any of the detainees are tried for their crimes but not found guilty. And the risk of finding sympathetic, activist judges surely is heightened in the cases of the 28 detainees already cleared for transfer but who have not yet been released.

Even if some detainees are prosecuted and found guilty, they would serve a sentence, be ordered removed from the United States, and, ideally, be removed from our country upon the sentence's completion. But what happens if no other country—particularly their home country—is willing to take them? This would be very likely, as statistics provided by the Department of Homeland Security show there are many countries who will simply not allow the hardcore terrorist Guantanamo detainees back into their country. Countries like Iran, Pakistan, China, Somalia and Liberia, just to mention a few, won't take custody of these enemy combatants. Alternatively, what if their home country, or another country, is willing to take them but that country is also likely to mistreat them to gain information about their terrorist activities? In that case, our obligations under the Convention Against Torture would prohibit us from returning the detainees to those countries.

If any of those removable detainees do remain in the United States, we won't be able to keep them detained for very long. The U.S. Supreme Court ruled in Zadvydas v. Davis that the United States may not indefinitely detain removable aliens just because no other country would accept them. In order for the U.S. Government to justify the detention of foreign nationals longer than six months, the basic rule is that the government must show that there is a ''significant likelihood of removal in the reasonably foreseeable future.'' The Zadvydas decision has thus set a precedent that dangerous, deportable, convicted criminal aliens who have completed their sentences, but who cannot be deported to other countries, cannot continue to be indefinitely detained and must be released.

Equally concerning, if a trial were to take place that resulted in a sentence of anything other than capital punishment or life in prison, then the Zadvydas precedent would most likely require the release of the terrorist within 6 months of the completion of his or her sentence. The danger any such releases could present has unfortunately already been illustrated. The Zadvydas decision has already resulted in extraordinary violence against Americans and threats to public safety.

In the last 3 years alone, almost 10,000 criminal aliens have been released from U.S. Immigration and Customs Enforcement custody because of Zadvydas. Too many of these aliens are released because the U.S. cannot obtain travel documents from home countries. This has real consequences.

For example, in Hillsdale, NY, a criminal alien who had been convicted of sexually abusing a 12-year-old girl was released onto American streets when his home country of Bangladesh refused to take him back after he had served his sentence. After his release, he proceeded to go on a rampage of theft and violence culminating in the brutal murder of a 73-year-old woman.

Given that the Obama administration already allows the release of convicted, dangerous, criminal aliens into our communities, I am deeply concerned that a similar situation would arise from transferring the terror suspects from Guantanamo to the United States. Bringing these hardcore terrorists to the United States would be tantamount to injecting a disease into our society.

As you can see, the potential transfer of these detainees presents a real problem with serious consequences. Many decisions will have to be made and discussions had regarding the viability of transferring these hardcore terrorist detainees to the United States.

If the Obama administration decides to transfer these detainees to the continental United States, this illegal action would force serious constitutional issues that could lead to an impasse. The matter of bringing hardcore terrorists into the United States would undoubtedly go before the Supreme Court. Pushing to close Guantanamo and bringing these hardcore terrorists to the United States without exhausting all alternative options is especially risky to the American people as it pertains to national security and public safety.

I refer my colleagues to the Center for Immigration Studies Web site and the March 2016 report by Dan Cadman entitled, ''The Immigration Implications of Moving Guantanamo Detainees to the United States.''

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, in a moment I am going to ask unanimous consent to address an amendment of mine to the national defense authorization bill, amendment No. 4066.

There is legislation I have introduced with a number of my colleagues that then is reflected perhaps identically in the amendment I hope we will consider this evening. This amendment is related to the National Labor Relations Act, which was enacted in 1935. That legislation exempted Federal, State, and local governments but did not explicitly mention Native American governments from the purview of the National Labor Relations Act. Despite that not being mentioned for 70 years, the NLRB honored the sovereign status of tribes accorded to them by the U.S. Constitution. In fact, there is a good argument that the reason tribal governments were not listed in the Labor Relations Act was because the Constitution made clear the sovereign nation of tribes. So for 70 years, they were not affected by the NRLB. Unfortunately, in my view, beginning in 2004,

the NLRB reversed its treatment of tribes and legally challenged the right of tribes to enact so-called right-to-work laws.

The amendment I have offered to this bill is pretty straightforward. The National Labor Relations Act is amended to provide that any enterprise or institution owned and operated by an Indian tribe and located on tribal lands is not subject to the NLRA.

This narrow amendment protects tribal sovereignty and gives tribal governments the ability to make the best decisions for their people. The amendment seeks to treat tribal governments no differently from other levels of government, just like we treat cities and counties across the country.

Sovereignty is an important aspect of tribal relations with their tribal members. It is something tribes take very seriously, and in my view, it is something Members of the Senate should take very seriously, in part because it is the right policy, and perhaps even more importantly, it is the right moral position to have. And of equal value, it is what the Constitution of the United States says.

The legislation on which this amendment is based was passed by the House of Representatives in a bipartisan vote. Even our former colleague, the late Senator Daniel Inouye of Hawaii, wrote in 2009 that ''Congress should affirm the original construction of the NLRA by expressly including Indian tribes in the definition of employer.''

This amendment presents Congress with an opportunity to reaffirm the constitutional recognition of tribes and the rights accorded to them under the supreme law of our land.

Mr. President, I ask unanimous consent to set aside the pending amendment and call up my amendment, amendment No. 4066; that there be 10 minutes of debate, equally divided; and that following the use or yielding back of time, the Senate vote in relation to the amendment with no second-degree amendment in order prior to the vote.

The PRESIDING OFFICER (Mr. SULLIVAN). Is there objection?

The Senator from Ohio.

Mr. BROWN. Mr. President, reserving the right to object, and I will explain if I could.

First of all, this doesn't belong in NDAA. This is not a defense issue, but I would like to talk more substantively about it and then make another statement.

I strongly support tribal sovereignty. I know my colleagues appreciate Senator MORAN's genuine interest in this. He is my friend. We have worked on a number of issues in banking together. We don't agree on this, but that is the way things are. I do believe both sides of the aisle do support tribal sovereignty.

This amendment, though, is not about tribal sovereignty. It is about undermining labor laws—laws that protect the rights of workers to organize and collectively bargain—one of America's great values that more than almost anything—other than democratic government—created and maintained a middle class, organizing and bargaining collectively. Specifically, the amendment attempts to overturn NLRB decisions that have asserted the Board's jurisdiction over labor disputes on tribal lands.

The Board has methodically evaluated when they do and don't have jurisdiction on tribal lands by using a very carefully crafted test to ensure that the Board's jurisdiction would not violate tribal rights and does not interfere in exclusive right to self-governance.

In a June 2015 decision, the NLRB employed the test and did not assert jurisdiction in a tribal land-labor dispute. Instead, the amendment is part of an agenda to undermine the rights of American workers. We have seen it regularly. We see it in State capitols. We saw it in my State capitol 5 years ago when the Governor went after collective bargaining rights for public employees.

For the first and only time in American history, voters in a statewide election said no to rolling back collective bargaining rights. It was the only time it ever happened, and it was by 22 percentage points.

The amendment is part of an agenda to undermine the rights of American workers, including 600,000 employees of tribal casinos—75 percent of them are not nonnative Indians, non-Indians. Courts have upheld the application to the tribes of Federal employment laws, including Fair Labor Standards Act, the Operational Safety and Health Act, the Employment Retirement Income Security Act, and title III of the Americans with Disabilities Act.

In addition to harming the thousands of already organized workers at commercial tribal enterprises, this amendment would establish a dangerous precedent to weaken longstanding worker protections on tribal lands.

Mr. President, for these reasons, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MORAN. I regret the objection from the Senator from Ohio and indicate that we will continue our efforts to see that this issue is addressed and the sovereignty of tribes across the Nation is protected.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I am on the floor this afternoon, along with my good friend and colleague, the senior Senator from Connecticut. He is going to be here shortly to speak as well, and I thank him for his leadership throughout the NDAA process.

We are here because we strongly believe that in Congress we should be working on ways to boost economic security for more families and help our economy grow from the middle out, not from the top down. A fundamental part of that is making sure our companies pay workers fairly and provide them with safe workplaces and treat them with respect. Unfortunately, Senator BLUMENTHAL and I have come to the floor to speak against a provision that would seriously undermine the spirit of bipartisanship we have cultivated thus far.

As it stands, this bill contains a provision that would help shield defense contractors that steal money out of their workers' paychecks or refuse to pay the minimum wage. It would help protect the companies that violate workplace safety laws while receiving taxpayer dollars, and it would allow companies with a history of discriminating against women, people of color, and individuals with disabilities to continue receiving defense contracts, and to me that is unacceptable.

For too long, the Federal Government has awarded billions of taxpayer dollars to companies that rob workers of their paychecks and fail to maintain safe working conditions. To help right those wrongs, President Obama issued the Fair Pay and Safe Workplaces Executive order, and I was very proud to support him.

Under the new proposed guidelines, when a company applies for a Federal contract, they will need to be upfront about their safety, health, and labor violations over the past 3 years. That way, government agencies can consider an employer's record of providing workers with a safe workplace and paying workers what they have earned before granting or renewing Federal contracts. To be clear, the new rules do not prevent these companies from winning Federal contracts. The new protections will just improve transparency so government agencies are aware of the company's violations and can help them come into compliance with the law. These are worker protection laws that are already on the books, including laws that affect our veterans, such as the Vietnam Era Veterans' Readjustment Assistance Act of 1974.

This will have some major benefits for our workers and taxpayers. First of all, it will help hold Federal contractors accountable. American taxpayers should have the basic guarantee that their dollars are going to responsible contractors that will not steal from their workers or expose their workers to safety hazards. This will help protect basic worker rights and that in turn will help expand economic security for more working families and, finally, this new protection will help level the playing field for businesses that follow our laws.

These businesses should not have to compete with corporations that cut corners and put their workers' safety

at risk or cheat workers on their paychecks. It will also have another benefit. Some of these same irresponsible companies that exploit their workers are also irresponsible when it comes to staying on schedule and on budget.

One report found that among the companies that had the most egregious workplace violations between 2005 and 2009, one-quarter of them also had significant performance problems like cost overruns and schedule delays. So these new rules will help the Federal Government choose contractors that are actually efficient and effective, which in return will help save taxpayer dollars.

Rewarding efficient and effective contractors should be a bipartisan goal, but unfortunately some of my colleagues want to give defense contractors a special carve-out from these crucial accountability measures and, to me, that is unacceptable.

It is time to stop rewarding Federal contractors that have a history of violating workers' rights. That is why I support the amendment of my colleague from Connecticut, which will make sure the Defense Department considers all companies' full record before granting or renewing their Federal contracts.

Like many of our colleagues, I am focused on leveling the playing field for companies that do the right thing by their workers, protect American taxpayers, and boost economic security for our workers. That is why I remain strongly opposed to the damaging provision in the underlying bill, and I do hope our colleagues will join us in supporting our amendment to undo the carve-out and allow these critical protections for our workers to be implemented as they were intended.

I thank the Presiding Officer.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUMENTHAL. Mr. President, the amendment I filed, Blumenthal No. 4255, will not be made pending, but I want to emphasize the importance of the amendment and hope I can work with my colleagues on the substance of it because it is so profoundly important to fairness in the workplace and the protection of American workers.

My friend and colleague, the Senator from Washington, PATTY MURRAY, has spoken on this issue within the last few minutes, and I join her in supporting the critical Executive order issued by the President called the Fair Pay and Safe Workplaces Executive Order.

This effort requires companies doing business by the Federal Government to disclose whether they violated any of the 14 longstanding labor laws protecting American workers included in this Executive order. There is no requirement to disclose a mere allegation or claim of a violation of one of those laws, rather, the Executive order requires, very simply, disclosure of a determination by a court or administrative body of an actual violation. In effect, this Executive order would be gutted by the National Defense Authorization Act now on the floor of this Congress, and the amendment I was intending to offer is the very same amendment that was offered in the NDAA markup and supported by groups like Easter Seals and Paralyzed Veterans of America. They worry that the language in this law that we now have before us will do a damaging injustice to our veterans and constituents with disabilities and thousands of other employees working under Federal contracts.

I am proud to be joined in this effort by not only Senator MURRAY but also Senators FRANKEN, GILLIBRAND, BROWN, SANDERS, LEAHY, BALDWIN, MERKLEY, BOXER, CASEY, and the ranking member of the committee with jurisdiction over this bill, Senator JACK REED of the Armed Services Committee, where the Presiding Officer and I sit.

We need to ensure that the Fair Pay and Safe Workplaces Executive Order applies across all Federal agencies and to all workers, or as many as possible at least, strengthening this vital effort to protect workers and taxpayer dollars. It is not only about workers, it is also about taxpayer dollars.

The laws that are covered here are sort of the bread-and-butter protections of all Federal workers and all workers, generally, such as the Americans with Disabilities Act, the Family and Medical Leave Act, and the Civil Rights Act. Other laws that may be more obscure are also covered, but they have been around for decades, and this measure and those laws are designed to protect veterans and women from harmful, debilitating discrimination, among other wrongful practices.

Let's be very clear. Most companies covered by Federal contracts play by the rules and obey the law. All they would need to do is literally check a box confirming that they are in compliance. There are no big administrative expenses or elaborate bureaucratic hurdles to overcome. They just need to check a box to confirm that they are in compliance. For the small subset of companies with compliance issues, the contracting agency would take information about violations into consideration in the procurement process. This is not to bar them. They can still be considered, but they would then try to work with the company to make sure it comes into compliance with the law.

The basic theory of this Executive order is a matter of common sense. It is not about blacklisting companies. It is about ensuring that companies that want to do business with the Federal Government follow the law and provide a safe, equitable, and fair workplace. Those are the companies we can trust in being our partners in carrying out the Federal Government's work, as long as they obey the law and are in compliance with it.

Companies that violate those laws should not receive taxpayer dollars. Companies that violate the law, very bluntly, are creating an unlevel playing field and forcing law-abiding companies into an unfair competition for contracts. They can cut corners, save money by in effect skirting the law, present lowball offers, and when they are hired, provide poor performance—again, wasting Federal funds to the detriment of taxpayers.

Of course, it is not just about dollars—important to the taxpayer—but about workers. Every year, tens of thousands of American workers are denied overtime wages. Unlawfully discriminated against in hiring and pay, they have their health and safety put at risk by Federal contractors who cut those corners on workers' safety or otherwise deny a basic safe workplace, and that is another reason we need full force and effect to this Executive order, not the gutting of it that is contained now in the NDAA before us.

Some have called the Fair Pay and Safe Workplaces Executive order one of the most important advances for workers achieved by this administration, and it is. According to the Department of Labor, one in five Americans are employed by companies that do business with the Federal Government, an enormous source of leverage requiring compliance with Federal protections, not just in letter but in spirit. We must very simply allow for consistent and appropriate application of this Executive order to ensure that workers or contractors under the defense laws have the same protections as other workers.

The NDAA provision that guts this Executive order must be removed at some point. It may not happen in our consideration of this measure now, but my hope is that we can work with colleagues and overcome the potentially harmful effects of this provision.

I look forward, in fact, to a collegial effort to make sure that we provide long-term protections to American workers through this Executive order.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SASSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSE. Mr. President, why is it that Washington also jumps blindly into culture war fighting? Why is it we first divide into blue shirts versus red shirts, retreat into our tribes, and then try to figure out how we can inflict

maximum damage on each other? That is not how adults in the communities across our country solve their problems, and that is not how they would like us to be solving our problems, but that is actually what is happening right now in this body.

The legislation before the Senate is supposed to be about national security, which is the first and most important duty of the Federal Government. Republicans and Democrats, all 100 Members of this body, tell ourselves and tell our constituents that we love and want to support and provide for the troops.

I want that to be true. Thus, I think we should be able to agree that national security is far more important than trying to run up partisan scores in another culture war battle. By the way, culture war battles are almost never settled well by compulsion, by government, and by force.

But here we are, getting ready to have divide again, this time over the issue of women in the draft, and I want to ask why.

Let me ask a question that should be obvious. Why are we now fighting about drafting our sisters, our mothers, and our daughters into a draft that no one anywhere is telling us they need?

Seriously, where is there any general who has appeared before us and said that the most pressing issue or even a pressing issue about our national security challenges and efforts at the present time is that we don't have enough people to draft? Where has that happened? Who has said it? Because I have been listening, and I haven't heard a single person from the national security community come before us and say: Do you know what we need? We need more people in the draft.

I haven't heard that conversation anywhere.

This fight about women in the draft is entirely unnecessary, and wisdom should be nudging us to try to avoid unnecessary fighting. We have enough big, real, and important fighting we should be doing around here. Why would we take on unnecessary fighting?

So before we send out our press releases and before we decide to condemn people that are on the other side of a culture war battle, why don't we just pause and together agree on this one indisputable fact: We have the best fighting force that the world has ever known. In fact, it is an all-volunteer force right now. We are not drafting anybody, and no one is recommending that we draft anybody. So why are we having this fight?

Rather than needlessly dividing the American people over a 20th century registration process, why wouldn't we do this: Why wouldn't we pause, stop the expansion of the draft, stop to study the purposes of the draft, and actually evaluate whether we need a draft? Maybe we do, but let's actually evaluate it before we start fighting over the most controversial pieces of it.

Let's not start by fighting about who to add to the draft. Let's not start by trying to import culture warring into a national security bill. Let's start by asking if we are really certain we need the draft.

I am introducing a simple amendment, and I hope that this body could agree that its aim is common sense and its aim is to deescalate our bitter conflicts. My simple amendment would replace the NDAA's controversial draft provisions with three relatively noncontroversial—and I think much more important—steps.

No. 1, my amendment would ask the Senate to admit that the draft, which last had a call, by the way—the last call of the draft was in December of 1972. I was 10 months old, and I think I am 5 years older than the youngest Member of this body. The last time there was a call in the draft was December of 1972. We should probably admit that it is time for a reevaluation instead of just continuing on autopilot.

No. 2, it would sunset the draft 3 years from now unless this body decides that we have consulted the generals and we can tell the American people that we need the draft to continue. So the second thing it does is sunset the draft 3 years in the future unless we would act to restore the draft.

No. 3, it requires the Secretary of Defense to report back to this body—to report back to the Congress—in 6 months on the merits of the Selective Service System rather than simply continuing it on status quo autopilot, unscrutinized.

Again, this isn't asking the Secretary of Defense to wade into the culture wars or to take a lead in any social engineering. By the way, I am the father of two girls so there is nobody who is going to outbid me on the limitless potential of young women in American life, but that is not what this is all about. This is about the Secretary of Defense reporting back to us after consulting with the generals and telling us one of three things.

I think it was a pretty simple question. We should have the Secretary of Defense come back before Congress in 6 months and say to us one of three things. Either, A, the all-volunteer forces we are actually using right now are sufficient and they think the draft is obsolete, in which case the sunset would just go into effect; or, B, they would tell us that after consideration they believe the draft is still necessary and some version of the present draft should be continued; or, C, they actually think we have a deficit of human capital to potentially draft, and they think we need an expansion of the draft. Then this body could debate who do we expand it to.

But let's first have the Secretary of Defense consult the generals, come back to us in 6 months, and say: A, an all-volunteer force works; B, we have about the right amount of human capital registered for the draft; or C, we think we need to expand the draft.

Maybe we will say we should have men who are older than 26 years added to the draft. Maybe we should add women. Maybe there will be some other configuration of people we would add to the draft. But until we know we need more people in the draft or that we need a draft at all, why would we dive headlong into what would be the most controversial version of this debate.

Again, the generals are probably going to tell us they are fine with an all-volunteer force, but we don't know that. So why don't we have them report back before we start bickering.

One of the fundamental purposes of this body is to debate the biggest issues facing the Nation and to do so in an honorable way. That is what the Senate is for. The reason we have a Senate is to debate—not abstractions—but to address and ultimately solve the meatiest challenges that the Constitution in present circumstances demands we tackle. Right now women in the draft isn't really one of those issues, so I don't know why we would start fighting about it and dividing so many of the American people about it.

If there is any Senator who believes that the purpose of the NDAA should be to have a culture war fight, humbly I would invite him or her to come to the floor and please make that case. If there is a reason we should have a culture war fight in the context of the NDAA, tell us why we should do it. But, if not, let's avoid unnecessary cultural division and stick with the actual national security tasks that are before us today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GARDNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING DR. JAMES CRASE

Mr. MCCONNELL. Mr. President, I wish to pay tribute to a distinguished Kentuckian and talented physician who has sadly passed away. Dr. James Crase, a good friend of mine who was a veteran and a former State senator, departed this life on May 28. He was 78 years old.

Dr. Crase, born in Letcher County, KY, practiced medicine for over 53 years, 40 of those years in his beloved hometown of Somerset, KY. He served

as chief of staff at the Lake Cumberland Regional Hospital.

As a Somerset doctor, he provided care to over 10,000 patient families and was named ''Citizen Physician of the Year'' by the Kentucky Academy of Family Practice. He previously practiced medicine in Berea, KY, McKee, KY, and in Norfolk, VA with the U.S. Navy.

Dr. Crase was elected to the Kentucky Senate in 1994 and became well known for his dedication to constituent service. After retiring from his medical practice, he helped create ClubMD, a healthcare clinic that focused on improving the patient experience.

Dr. Crase was deeply involved with the community and committed to volunteer service with many organizations, including the Lake Cumberland Lincoln Club, the Lake Cumberland Performing Arts, the Kentucky Medical Association, the Berea College Board of Trustees, the Somerset Community College Athletic Directorship, the First Presbyterian Church of Somerset, the Lake Cumberland Regional Hospital, the Pulaski Civil War Round Table, and the United Way.

Elaine and I wish to send our deepest condolences to Dr. Crase's family and many beloved friends during their time of grief. Dr. Crase was a friend, a caring and empathetic physician, and a devoted public servant. The Commonwealth of Kentucky is poorer for his loss.

An area publication, the Lexington Herald-Leader, published an article detailing the life and career of Dr. James Crase. I ask unanimous consent that said article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Lexington Herald-Leader, June 1, 2016]

LONGTIME SOMERSET PHYSICIAN JAMES CRASE DIES AT 78

(By Bill Estep)

James D. Crase, a longtime Somerset physician who served a partial term in the state Senate, died May 28. The Letcher County native was 78.

Crase was a U.S. Navy veteran who worked as a physician for 53 years, including more than 40 years in Somerset, where he served as chief of staff of the Lake Cumberland Regional Hospital and an elder at First Presbyterian Church.

Crase's obituary said he was proud to have provided care to more than 10,000 families during his time in Somerset. The Kentucky Academy of Family Practice named Crase its Citizen Physician of the Year, the obituary said.

Crase, a small-government Republican, was elected to the state Senate in December 1994 to finish the term of a lawmaker who had been convicted in a corruption case.

Republicans control the Kentucky Senate now, but were in the minority then. In a newspaper commentary, Crase expressed some frustration about the relative lack of power of the minority, and with the legislative process.

''First, one must convince his or her own party to support the measure. Then comes the dubious chore of convincing the opposing party of its merits, thus the trades—you vote for mine, I'll smile upon yours,'' Crase wrote.

He did not seek election to a full term in 1996.

U.S. Senate Majority Leader Mitch McConnell said in a statement Wednesday said Crase will be missed.

''As a veteran and former state senator, Dr. Crase was well-respected in the community and worked tirelessly to improve the lives of his constituents,'' McConnell said.

Crase is survived by three children.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

● Mr. WARNER. Mr. President, I regret I was not present for the June 8, 2016, vote on the motion to invoke cloture on the compound motion to go to conference on H.R. 2577, the Departments of Transportation, and Housing and Urban Development, and Military Construction and Veterans Affairs appropriations bill, and the Zika supplemental appropriations bill.

Had I been present, I would have voted yes on cloture. This bipartisan bill supports our Veterans, invests in our national infrastructure, and provides funding to address the Zika virus.

Additionally, I would have supported the Nelson motion to instruct conferees and opposed the Sullivan motion to instruct conferees.●

SECTION 2152 OF THE FEDERAL AVIATION REAUTHORIZATION BILL

Mrs. FEINSTEIN. Mr. President, I wish to discuss the issue of preemption and ask to engage in a colloquy with Senators TILLIS and NELSON.

I come to the floor today to discuss the Federal Aviation Administration Reauthorization Act of 2016, which passed the Senate on April 19 by a vote of 95 to 3. This vote reflects the strong, bipartisan work that went into negotiating this bill, and I hope that the House will take it up.

However, there is unfinished business with this bill: the need to remove section 2152. This provision of the bill would preempt any State or local laws related to the operation, manufacture, design, testing, licensing, registration, certification, operation, or maintenance of an unmanned aircraft system including airspace, altitude, flight paths, equipment or technology requirements, purpose of operations, and pilot, operator, and observer qualifications, training, and certification.

This provision of the bill would be effective on the date of enactment prior to the FAA promulgating any regulations in these areas.

When this came to my attention, as a former mayor, I became very alarmed about the possible reach of this provision and how it might impact local communities, State parks, schools, infrastructure, and other areas with a strong State or local interest.

So I filed two amendments, and, ultimately, the managers of this bill—Chairman THUNE and Ranking Member NELSON—agreed to accept an amendment to strike the provision from the underlying bill.

This is amendment No. 3704, filed by myself and Senator TILLIS, and cosponsored by Senators BLUMENTHAL, PERDUE, LEE, and MARKEY.

I would now like to yield, if I could, to my colleague from North Carolina, Mr. TILLIS.

Mr. TILLIS. As a former State legislator, I very much agree with what my colleague from California has said. In North Carolina, we worked hard to get the regulatory and legislative framework right for this new technology. In fact, we commissioned a legislative research committee to propose legislation and obtained input from stakeholders prior to the bill's passage. You see, not all wisdom resides at the Federal Government. Our system is designed to let States and localities weigh factors that bureaucrats in Washington might not consider, such as potential privacy concerns, law enforcement operations, search and rescue, natural disaster mitigation, infrastructure monitoring—the list goes on.

I would add that it was my understanding as well that Chairman THUNE and Ranking Member NELSON had graciously agreed to accept this amendment and that it had been cleared as part of a group of noncontroversial amendments. I was disappointed to see that package held up over a disagreement on unrelated matters between other Members. I am encouraged, however, by the chairman's and ranking members' commitment to continue addressing our concerns in conference committee.

Mr. NELSON. Mr. President, my distinguished colleague from North Carolina, Mr. TILLIS, is correct. Chairman THUNE and I did agree to accept this amendment as part of a package of 26 amendments agreed to by all but one of our colleagues.

While I am disappointed that these amendments could not clear the full Senate, including one that preserves certain State and local powers to deal with public safety concerns regarding drones, I will work with Chairman THUNE to address this and other issues in the conference committee once the House has acted.

REMEMBERING TERESA SCALZO

Mr. TOOMEY. Mr. President, today I wish to honor Ms. Teresa Scalzo, who recently passed away after a 23 year legal career focused on public service, supporting the victims of violence and sexual assault, and advancing the prosecution of those horrible crimes. After a battle with an aggressive cancer, Teresa passed away on Monday, May 23, 2016.

A native of Easton, PA, Teresa earned a law degree from Temple University School of Law in 1993. Over the next 23 years, she held numerous legal positions, all focused on giving victims

a voice and advancing the prosecution of these complex cases.

Most recently, Teresa served as the deputy director of the U.S. Navy Judge Advocate General's Corps Trial Counsel Assistance Program. In this position, Teresa helped cultivate and hone the skills of multiple generations of Navy prosecutors, enhancing the Navy's ability to support victims of sexual assault and to hold perpetrators accountable. Among the many prestigious and important positions throughout her career, she also served as senior policy adviser for the Department of Defense Sexual Assault Prevention and Response Office, director of the National Center for the Prosecution of Violence Against Women, chief of the sex crimes unit at the Northampton County District Attorney's Office, and a member of the sexual assault response team at the National Sexual Violence Resource Center.

Teresa radiated that special balance of determination and compassion that enabled victims of sexual assault and family violence to find their voices in the pursuit of justice. In recognition of her accomplishments, she received the 2009 Visionary Award from Ending Violence Against Women International. In 2001, she received the Allied Professional Award for Outstanding Commitment to Victims' Services from the Crime Victims Council of the Lehigh Valley.

I would like to recognize Ms. Scalzo's honorable commitment and exceptional service to victims, the justice system, and our country. She is survived by her mother Marie; her brother Carl; his wife Theresa; and her nephew and nieces, Brett, Paige, and Maggie. It is an honor to stand in recognition of this compassionate advocate and seeker of justice.

REMEMBERING COE SWOBE

Mr. HELLER. Mr. President, today I wish to remember a true Nevada statesman and dedicated public servant, former Nevada State Assemblyman and State Senator Coe Swobe. I send my condolences and prayers to his family during this difficult time. Although he will be sorely missed, his legendary influence throughout Nevada will continue on.

Mr. Swobe was born in 1929 and raised in northern Nevada. He graduated from the University of Nevada, Reno, after serving in the U.S. Air Force during the Korean war. As one of our Nation's servicemembers, he made exceptional sacrifices for our country and deserves our deepest gratitude. His service to his country, as well as his bravery and dedication to his family and community, have earned him a place in history among the many outstanding men and women who have contributed to our Nation and to our State. Mr. Swobe later earned his juris doctorate from the University of Denver Sturm College of Law. He then returned to Reno, where he served as assistant U.S. Attorney for the District of Nevada for 2 years and began his career as a true public servant to the Silver State.

In 1962, Mr. Swobe was first elected to the Nevada State Assembly. Shortly thereafter, he became a member of the Nevada State Senate, where he served from 1966 to 1974. During his tenure, Mr. Swobe was a staunch supporter of the preservation of Lake Tahoe and led the way in establishing the first agreement between then Nevada Governor Paul Laxalt and California Governor Ronald Reagan and the two State legislatures in helping to protect the Lake. This agreement later established the Tahoe Regional Planning Agency, TRPA, which continues to protect this precious Nevada jewel today. He also helped expand the Lake Tahoe park system, including the establishment of Sand Harbor State Park. In 2007, he was appointed to serve on the governing board for the TRPA, where he worked vigorously to help raise awareness about wildfire prevention. Residents across the State of Nevada and the Lake Tahoe Basin are fortunate to have had someone dedicated to working towards the betterment and protection of our State.

In addition, Mr. Swobe cofounded Nevada's Lawyers Concerned for Lawyers, LCL, to help others struggling with alcohol addiction. For over 30 years, he dedicated his time to this program, which is available to lawyers, judges, and anyone else in the legal community in need of support. His legacy and love for Nevada, as well as his genuine concern for others, will live on for generations to come.

Throughout his life, Mr. Swobe demonstrated only the highest level of excellence and dedication while serving the great State of Nevada. I am deeply appreciative of his hard work and invaluable contributions to our State. Today, I join citizens across the Silver State in celebrating the life of an upstanding Nevadan, Coe Swobe.

CENTENNIAL OF THE WYOMING DENTAL ASSOCIATION

Mr. BARRASSO. Mr. President, I am honored to recognize the Wyoming Dental Association as it celebrates its 100th anniversary. This historic milestone marks the success of the organization's efforts to assist its members in their mission of achieving the highest level of patient care for Wyoming.

Life on the frontier posed many challenges for Wyoming's first dentists. Pioneer practitioners often traveled long distances through rugged terrain to treat their patients. Armed with rudimentary tools including forceps, pedal-powered drills, and whiskey to kill the pain, these circuit riders treated patients with little or no oversight. Seeing a need for standardization, the Wyoming Legislature created the Wyoming Board of Dental Examiners, which required all practicing dentists to register with the State. In 1916, several licensed dentists joined to form the Wyoming Dental Association, an organization dedicated to supporting the State's dentists. From that day forward, the association's members dedicated themselves to advancing the practice of dentistry.

Thanks to extensive progress made in technology and medical care, modern oral health care has dramatically improved. Today there are over 500 licensed dentists in Wyoming. Our State's dentists are dedicated to their patients' health, not only providing dental care but also educating the public on the importance of oral hygiene. Every dentist has adopted a professional code of ethics and works to maintain the highest standards of excellence.

The Wyoming Dental Association is a leader in promoting dental hygiene. Through its dedicated advocacy and leadership, the association collaborates with the Wyoming Legislature, local government agencies, and nonprofit organizations to help the people of Wyoming. Their achievements are impressive.

In particular, dentists around the State volunteered hundreds of hours to complete Wyoming's Oral Health Initiative, which was designed to gauge the overall dental health of residents. The initiative provided stakeholders with valuable data that led to the development of strategies to improve education and access to care. Thanks to the Wyoming Dental Association's participation in this crucial study, the State is advancing dental health care to new levels of success.

After 100 years, the Wyoming Dental Association is stronger than ever thanks to its incredible leadership. The dedicated efforts of the association's executive director, Diane Bouzis, and its current board of directors continue to improve the services its members receive. Thank you to President Mike Shane, President-elect Dana Leroy, Vice President Lance Griggs, Secretary-Treasurer Deb Shevick, and ADA Delegates Rod Hill and Brad Kincheloe. We also acknowledge the hard work of the State's district directors, including Lorraine Gallagher, Brian Cotant, Steve Harmon, Paul Dona, Aaron Taff, and Leslie Basse. These incredible individuals serve the association and their patients with great integrity.

Thanks to the strength of the association's membership, we can always count on Wyoming's dental practitioners to come to Washington. They provide up-to-date information and input about the major concerns and issues facing the industry. Our entire State benefits from their advocacy. It is always great to meet with John Roussalis, Earl Kincheloe, Mike Keim, Bob Pattalochi, David Okano, Tyler Bergien, Brian Hokanson, and Carl Jeffries. These fine folks are excellent representatives of the profession.

The Wyoming Dental Association is a remarkable organization committed to improving dental health care in all of

Wyoming's communities. I am pleased to offer my sincere appreciation to the members of the Wyoming Dental Association as they celebrate their centennial.

NATIONAL JERKY DAY

Mr. ROUNDS. Mr. President, today I remind my fellow Americans of National Jerky Day on June 12, 2016.

Jerky has been a staple of the American diet since the birth of our Nation because of its portability and high protein content. Early settlers learned bison jerky preparation techniques from Native Americans. Lewis and Clark cured and ate jerky over the course of their historic expedition. Now, our astronauts consume jerky aboard the International Space Station.

The production of jerky is also an important component of our national economy. Companies from coast to coast employ thousands of workers to produce American-made jerky and distribute it internationally. Our Nation's farmers and ranchers produce high-quality products that help make the best jerky in the world.

Therefore, I encourage my fellow citizens to enjoy a nutritious jerky snack in celebration of National Jerky Day on Sunday, June 12, 2016.

ADDITIONAL STATEMENTS

STRATHAM'S 300TH ANNIVERSARY CELEBRATION

• Ms. AYOTTE. Mr. President, today I wish to honor the 300th anniversary of the town of Stratham, New Hampshire.

Stratham is located in southeast New Hampshire, in a region inhabited by Native Americans for thousands of years before the arrival of Europeans on our shores. It was first settled in 1631, and in 1709, the residents petitioned for the creation of their own town in order to build a school, church, and meeting house. Lieutenant Governor George Vaughn granted residents permission, on March 20, 1716, to collect taxes, hold town meetings, elect selectmen, appoint a minister, and build a meeting house on Kings Grant Highway. The location of the original Stratham Meeting House is where the Stratham Community Church stands today.

In 1906, a park was opened in town after Edward Tuck sold 70 acres of land to the town of Stratham for $1. Mr. Tuck's major stipulation during the transfer of Stratham Hill Park's land was that ''it was given for the free use and enjoyment of the residents of Stratham and the surrounding communities.'' In 1966, the town of Stratham celebrated their 250th anniversary and residents have gathered every year since to celebrate their founding at what is now known as the Stratham Fair. A Land Protection Committee was created in 2002, and a decade later, over 543 acres or nearly 6 percent of the town of Stratham has been conserved and protected permanently.

Today Stratham is home to the headquarters of the Timberland Corporation and to the only Lindt & Sprungli factory in the United States.

This year, on the occasion of Stratham's 300th Anniversary of its founding, I join more than 7,000 residents in commemorating the rich heritage and valuable contributions to the State of New Hampshire and our Nation.•

REMEMBERING GARY DiGIUSEPPE

• Mr. BOOZMAN. Mr. President, today I wish to acknowledge the life of Gary John DiGiuseppe whose passion for agriculture and journalism helped keep Arkansans informed about the State's No. 1 industry.

Gary was a man who knew the importance of dedication and hard work. He was fiercely dedicated to his family and his life's work. He was a man who possessed a broad base of invaluable knowledge that he shared eagerly through his radio shows and literature. He worked as an agricultural reporter for 35 years. To others in his field, he was known as a true professional of agriculture.

Many knew Gary as the man who started their mornings off with a friendly voice. He was an accomplished talk show host and writer. He was known for doing an excellent job reporting on conferences and interviews. There are few who do not trust his educated opinion. His writing has also been published in the ''Arkansas Money & Politics'' magazine.

Gary was often referred to as an asset, trustworthy, and well informed. In addition, he was well versed in other aspects of life. He was an accomplished musician and stood firm on his important principles through determined discipline.

Gary always represented situations clearly and fair in his reporting. I was happy to talk with him about the agricultural topics that he was researching and reporting on.

He maintained a passion for learning and teaching all aspects of agriculture.

I am remembering Gary today as a true friend of Arkansas agriculture. My thoughts and prayers go out to Gary's wife, Mary, and his entire family. I humbly offer my gratitude and appreciation for one of Arkansas' finest agriculture advocates.•

TRIBUTE TO COLTER SCULLY

• Mr. DAINES. Mr. President, I would like to acknowledge an exceptional Montanan, Colter Scully. Colter is a rising senior at Powell County High School and is preparing for his board of reviews to complete his Eagle Scout application. Three years ago, Colter was inspired to create a frisbee-golf course in his community. Thanks to his leadership and perseverance, the course was opened on May 31, 2016.

Colter's scoutmaster, Tom Burkhart, describes Colter as a natural outdoorsman and leader, who leads quietly and kindly but has earned the following and respect of his peers. Tom says, ''What sets Colter apart is once he sets his mind to something he's going to do all that he needs to do to see it through.''

Eagle Scouts applicants must present a community project that requires planning, coordination, and future thinking. Colter sought out the Deer Lodge Parks Board and a local youth club against corporate tobacco, reACT, to coordinate the creation of his frisbee-golf course. Colter created a dynamic team of individuals who came together to provide the communities of Deer Lodge and Powell with a tobacco-free and entertaining activity.

The Eagle Scout is one of the highest performance-based achievements a young man can earn. In fact, only 5 percent of scouts attain this ranking. Colter had to secure 21 merit badges ranging from first-aid and camping to environmental science and family life, while holding leadership positions. Colter has humbly served Troop 239 as quartermaster, patrol leader, and senior patrol leader.

He embodies the boy scout oath to do his best, to serve God and his country, and to help others at all times in all areas of his life. At Powell County High School, Colter is an honor student who puts forth his best work, earning a 4.0 GPA, while juggling three sports: football, basketball, and track.

I have no doubt this young man's hard work and dedication will be rewarded. As an Eagle Scout, he will be joining the ranks of impressive individuals such as Neil Armstrong and Gerald Ford. I hope you will join me in wishing Colter the best of luck as he prepares for his Eagle Scout board of review.•

TRIBUTE TO WILLIAM PARK

• Mr. HELLER. Mr. President, today I wish to recognize an upstanding Nevadan, William Park, who has served as a volunteer firefighter for the Smith Valley Fire Protection District for over 50 years. It gives me great pleasure to recognize his years of hard work and dedication to creating a safe environment for the Smith Valley community.

Mr. Park joined the Smith Valley Fire Protection District as a volunteer firefighter in 1966. He was one of the first Emergency Medical Services, EMS, instructors in the State as part of the Professional Rescue Instructors of Nevada, where he trained hundreds of emergency medical technicians. In just 10 years, Mr. Park rose in the ranks and was selected to serve as assistant fire chief and later fire chief of the District. In the late 1970s, Mr. Park's construction company, Park Construction, rebuilt the Smith Valley Fire Protection District's Wellington Station, growing the facility to two apparatus bays. By 1980, he became the

president of the Nevada State Firefighters Association, NSFA, while continuing to serve as fire chief. Mr. Park is truly a role model in the fire services community throughout northern Nevada and across the Silver State.

In August of 1979, Mr. Park was badly burned during an accident after a Wednesday night training class and spent weeks recovering in the intensive care unit. This incident brought great support from the Nevada fire family and ultimately led to the creation of the NSFA Benevolence Fund and the Smith Valley Fire Protection District Community Assistance Fund. Even after this traumatic experience, Mr. Park showed great resilience and continued to serve the district as assistant chief and by instructing EMS training. To this day, Mr. Park continues to be an active participant with the district and responded to over 50 percent of department calls in 2015. Mr. Park stands as a shining example of someone who has gone above and beyond for those around him.

It is the brave men and women who serve in our local fire departments that help keep our communities safe. These heroes selflessly put their lives on the line every day. I extend my deepest gratitude to Mr. Park for his courageous contributions to the people of Smith Valley and the Silver State. His sacrifice and courage earn him a place among the outstanding men and women who have valiantly put their lives on the line to benefit others.

Mr. Park has demonstrated professionalism, commitment to excellence, and dedication to the highest standards of the Smith Valley Fire Protection District. I am both humbled and honored by his service and am proud to call him a fellow Nevadan. Today I ask all of my colleagues to join me in recognizing Mr. Park for his years of hard work, and I give my deepest appreciation for all that he has done to make Nevada a safer place. I offer him my best wishes for many successful and fulfilling years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:36 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, with amendment, in which it request the concurrence of the Senate:

S. 2276. An act to amend title 49, United States Code, to provide enhanced safety in pipeline transportation, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3826. An act to amend the Omnibus Public Land Management Act of 2009 to modify provisions relating to certain land exchanges in the Mt. Hood Wilderness in the State of Oregon.

H.R. 4775. An act to facilitate efficient State implementation of ground-level ozone standards, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4775. An act to facilitate efficient State implementation of ground-level ozone standards, and for other purposes; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BLUNT, from the Committee on Appropriations, without amendment:

S. 3040. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2017, and for other purposes (Rept. No. 114–274).

By Mr. BARRASSO, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1879. A bill to improve processes in the Department of the Interior, and for other purposes (Rept. No. 114–275).

By Mr. GRASSLEY, from the Committee on the Judiciary, with amendments:

S. 2944. A bill to require adequate reporting on the Public Safety Officers' Benefit program, and for other purposes.

By Mr. VITTER, from the Committee on Small Business and Entrepreneurship, with an amendment in the nature of a substitute:

S. 2992. A bill to amend the Small Business Act to strengthen the Office of Credit Risk Management of the Small Business Administration, and for other purposes.

S. 3009. A bill to support entrepreneurs serving in the National Guard and Reserve, and for other purposes.

By Mr. VITTER, from the Committee on Small Business and Entrepreneurship, without amendment:

S. 3024. A bill to improve cyber security for small businesses.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. BLUNT for the Committee on Rules and Administration.

Carla D. Hayden, of Maryland, to be Librarian of Congress for a term of ten years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KING (for himself, Mr. NELSON, and Mr. BURR):

S. 3039. A bill to support programs for mosquito-borne and other vector-borne disease surveillance and control; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUNT:

S. 3040. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2017, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. PAUL:

S. 3041. A bill to repeal the Military Selective Service Act; to the Committee on Armed Services.

By Mr. BLUMENTHAL (for himself, Mr. LEAHY, Mr. FRANKEN, and Mr. DURBIN):

S. 3042. A bill to amend title 38, United States Code, to clarify the scope of procedural rights of members of the uniformed services with respect to their employment and reemployment rights, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. KLOBUCHAR (for herself and Mrs. ERNST):

S. 3043. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program establishing a patient self-scheduling appointment system, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SANDERS:

S. 3044. A bill to provide certain assistance for the Commonwealth of Puerto Rico, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. LEAHY):

S. 3045. A bill to amend title 18, United States Code, to reform certain forfeiture procedures, and for other purposes; to the Committee on the Judiciary.

By Mr. CASEY (for himself, Ms. KLOBUCHAR, and Mr. BLUMENTHAL):

S. 3046. A bill to require the Consumer Product Safety Commission to promulgate a consumer product safety rule for free-standing clothing storage units to protect children from tip-over related death or injury, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEE (for himself, Mr. CRUZ, Mr. INHOFE, and Mr. VITTER):

S. 3047. A bill to help individuals receiving assistance under means-tested welfare programs obtain self-sufficiency, to provide information on total spending on means-tested welfare programs, to provide an overall spending limit on means-tested welfare programs, and for other purposes; to the Committee on Finance.

By Mr. FLAKE (for himself and Mr. ALEXANDER):

S.J. Res. 35. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of Labor relating to ''Interpretation of the 'Advice' Exemption in Section 203(c) of the Labor-Management Reporting and Disclosure Act''; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FLAKE (for himself, Mr. COONS, Mr. ISAKSON, and Mr. DURBIN):

S. Res. 485. A resolution to encourage the Government of the Democratic Republic of the Congo to abide by constitutional provisions regarding the holding of presidential elections in 2016, with the aim of ensuring a peaceful and orderly democratic transition of power; to the Committee on Foreign Relations.

By Mr. RUBIO (for himself and Mr. CASSIDY):

S. Res. 486. A resolution commemorating ''Cruise Travel Professional Month'' in October 2016; to the Committee on Commerce, Science, and Transportation.

By Mrs. ERNST:

S. Res. 487. A resolution commemorating the 100th anniversary of the Reserve Officers' Training Corps program of the Army; considered and agreed to.

ADDITIONAL COSPONSORS

S. 217

At the request of Mr. BLUMENTHAL, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 217, a bill to protect a woman's right to determine whether and when to bear a child or end a pregnancy by limiting restrictions on the provision of abortion services.

S. 461

At the request of Mr. CORNYN, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 461, a bill to provide for alternative financing arrangements for the provision of certain services and the construction and maintenance of infrastructure at land border ports of entry, and for other purposes.

S. 1301

At the request of Ms. HIRONO, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1301, a bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to restore Medicaid coverage for citizens of the Freely Associated States lawfully residing in the United States under the Compacts of Free Association between the Government of the United States and the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

S. 1421

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 1421, a bill to amend the Federal Food, Drug, and Cosmetic Act to authorize a 6-month extension of certain exclusivity periods in the case of approved drugs that are subsequently approved for a new indication to prevent, diagnose, or treat a rare disease or condition, and for other purposes.

S. 1661

At the request of Mr. COONS, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1661, a bill to amend title XXVII of the Public Health Service Act to preserve consumer and employer access to licensed independent insurance producers.

S. 1911

At the request of Ms. COLLINS, the names of the Senator from Alaska (Mr. SULLIVAN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1911, a bill to implement policies to end preventable maternal, newborn, and child deaths globally.

S. 2212

At the request of Mr. KING, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2212, a bill to amend the Federal Election Campaign Act of 1971 to require all political committees to notify the Federal Election Commission within 48 hours of receiving cumulative contributions of $1,000 or more from any contributor during a calendar year, and for other purposes.

S. 2551

At the request of Mr. CARDIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2551, a bill to help prevent acts of genocide and mass atrocities, which threaten national and international security, by enhancing United States civilian capacities to prevent and mitigate such crises.

S. 2595

At the request of Mr. CRAPO, the names of the Senator from Montana (Mr. DAINES) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2595, a bill to amend the Internal Revenue Code of 1986 to permanently extend the railroad track maintenance credit.

S. 2694

At the request of Mr. TOOMEY, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 2694, a bill to ensure America's law enforcement officers have access to lifesaving equipment needed to defend themselves and civilians from attacks by terrorists and violent criminals.

S. 2759

At the request of Mrs. ERNST, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 2759, a bill to amend the Internal Revenue Code of 1986 to provide a nonrefundable credit for working family caregivers.

S. 2854

At the request of Mr. BURR, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2854, a bill to reauthorize the Emmett Till Unsolved Civil Rights Crime Act of 2007.

S. 2882

At the request of Mrs. CAPITO, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 2882, a bill to facilitate efficient State implementation of ground-level ozone standards, and for other purposes.

S. 2892

At the request of Ms. STABENOW, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Georgia (Mr. PERDUE) were added as cosponsors of S. 2892, a bill to accelerate the use of wood in buildings, especially tall wood buildings, and for other purposes.

S. 2904

At the request of Mr. WHITEHOUSE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2904, a bill to amend title II of the Social Security Act to eliminate the five month waiting period for disability insurance benefits under such title for individuals with amyotrophic lateral sclerosis.

S. 2912

At the request of Mr. JOHNSON, the names of the Senator from Indiana (Mr. COATS) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 2912, a bill to authorize the use of unapproved medical products by patients diagnosed with a terminal illness in accordance with State law, and for other purposes.

S. 2918

At the request of Mr. TESTER, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2918, a bill to amend title 5, United States Code, to clarify the eligibility of employees of a land management agency in a time-limited appointment to compete for a permanent appointment at any Federal agency, and for other purposes.

S. 2924

At the request of Mr. REID, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from California (Mrs. FEINSTEIN) and the Senator from Maine (Mr. KING) were added as cosponsors of S. 2924, a bill to award a Congressional Gold Medal to former United States Senator Max Cleland.

S. 2946

At the request of Mr. BOOKER, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 2946, a bill to amend title 5, United States Code, to include certain Federal positions within the definition of law enforcement officer for retirement purposes, and for other purposes.

S. 2984

At the request of Mr. CORNYN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2984, a bill to impose sanctions in relation to violations by Iran of the Geneva Convention (III) or the right under international law to conduct innocent passage, and for other purposes.

S. 2993

At the request of Mrs. FISCHER, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 2993, a bill to direct the Administrator of the Environmental Protection Agency to change the spill prevention, control, and countermeasure rule with respect to certain farms.

S. 3009

At the request of Mrs. SHAHEEN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 3009, a bill to support entrepreneurs serving in the National Guard and Reserve, and for other purposes.

S. 3022

At the request of Mr. WHITEHOUSE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3022, a bill to designate certain National Forest System land and certain public land under the jurisdiction of the Secretary of the Interior in the States of Idaho, Montana, Oregon, Washington, and Wyoming as wilderness, wild and scenic rivers, wildland recovery areas, and biological connecting corridors, and for other purposes.

S. 3024

At the request of Mr. VITTER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 3024, a bill to improve cyber security for small businesses.

S. RES. 349

At the request of Mr. ROBERTS, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. Res. 349, a resolution congratulating the Farm Credit System on the celebration of its 100th anniversary.

S. RES. 479

At the request of Mr. MARKEY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Res. 479, a resolution urging the Government of the Democratic Republic of the Congo to comply with constitutional limits on presidential terms and fulfill its constitutional mandate for a democratic transition of power in 2016.

S. RES. 482

At the request of Mrs. SHAHEEN, the names of the Senator from California (Mrs. BOXER), the Senator from Connecticut (Mr. MURPHY) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. Res. 482, a resolution urging the European Union to designate Hizballah in its entirety as a terrorist organization and to increase pressure on the organization and its members to the fullest extent possible.

S. RES. 483

At the request of Mr. ALEXANDER, the names of the Senator from California (Mrs. BOXER), the Senator from Idaho (Mr. CRAPO) and the Senator from Georgia (Mr. PERDUE) were added as cosponsors of S. Res. 483, a resolution designating June 20, 2016, as ''American Eagle Day'' and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States.

AMENDMENT NO. 4118

At the request of Mr. PERDUE, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of amendment No. 4118 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4178

At the request of Mr. SCHUMER, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of amendment No. 4178 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4222

At the request of Ms. MURKOWSKI, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Montana (Mr. TESTER) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 4222 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4229

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 4229 proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4250

At the request of Mrs. SHAHEEN, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of amendment No. 4250 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4267

At the request of Mr. COCHRAN, the names of the Senator from North Carolina (Mr. BURR), the Senator from Maine (Ms. COLLINS), the Senator from Nebraska (Mrs. FISCHER), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Maryland (Mr. CARDIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 4267 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4310

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 4310 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4320

At the request of Mr. SCHATZ, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of amendment No. 4320 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4327

At the request of Mr. THUNE, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of amendment No. 4327 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4336

At the request of Mr. BROWN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4336 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4364

At the request of Mr. BROWN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4364 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4390

At the request of Ms. BALDWIN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of amendment No. 4390 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4410

At the request of Mr. CARPER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 4410 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4426

At the request of Mrs. BOXER, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Montana (Mr. DAINES) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of amendment No. 4426 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4438

At the request of Mr. SCHATZ, the names of the Senator from Oklahoma (Mr. LANKFORD), the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. DURBIN) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 4438 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4441

At the request of Mr. BLUMENTHAL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 4441 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4448

At the request of Mr. LEE, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of amendment No. 4448 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4475

At the request of Mr. COTTON, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 4475 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4483

At the request of Mr. COTTON, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 4483 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4498

At the request of Mr. KIRK, his name was added as a cosponsor of amendment No. 4498 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4567

At the request of Ms. BALDWIN, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of amendment No. 4567 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4574

At the request of Mr. WHITEHOUSE, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 4574 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4580

At the request of Mr. KIRK, his name was added as a cosponsor of amendment No. 4580 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4588

At the request of Mr. BOOZMAN, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of amendment No. 4588 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4597

At the request of Mrs. BOXER, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of amendment No. 4597 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4599

At the request of Mr. PORTMAN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Montana (Mr. DAINES) were added as cosponsors of amendment No. 4599 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4600

At the request of Mr. CORNYN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of amendment No. 4600 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4601

At the request of Mr. RUBIO, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 4601 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of

the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself and Mr. LEAHY):

S. 3045. A bill to amend title 18, United States Code, to reform certain forfeiture procedures, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, today I am introducing the DUE PROCESS Act. I am very pleased that Senator LEAHY is a cosponsor of the bill. This legislation will make important reforms to the practice of civil asset forfeiture.

The Senate Judiciary Committee held hearings last year on the problems associated with civil asset forfeiture. This is a process by which a person who has been convicted of no crime, and in fact is often not even charged with a crime, can nonetheless lose his property if the property is suspected to be owned as a result of wrongdoing. Civil asset forfeiture has a place in our society, including gaining control over assets used to further terrorism and the drug trade. But there have been excesses, and this bill is designed to address many of them.

Working together in a bipartisan and bicameral way, we have had months long discussions about how to draft legislation to improve the fairness of civil asset forfeiture. The bill that I am introducing today has been introduced and passed through the House Judiciary Committee on a bipartisan voice vote. It is the result of these bipartisan and bicameral discussions. The Senate should consider the same bill.

The DUE PROCESS Act broadens the timelines for an owner to challenge forfeitures. It extends protections in existing law to judicial forfeitures, not only administrative forfeitures. The government must provide greater notice to owners whose property has been seized, including notice of the rights that they may invoke to regain their property and their right to be represented by counsel in contesting a forfeiture either judicially or administratively. The property owner is given more time to respond to the seizure. Very importantly, an owner who challenges the seizure receives an initial hearing, at which time she is further notified of her rights and will have her property released if the seizure was not made according to law. Under the bill, the government must prove that seizure is warranted by clear and convincing evidence, rather than the current preponderance of the evidence standard.

Some of these provisions are in the bill because of media reports, including in my home state of Iowa. For instance, the Des Moines Register has reported that in many instances, innocent motorists surrender the property that law enforcement seizes without always having an understanding of how the seizure can be challenged. The bill will ensure that those whose assets are seized are given notice of the process by which the seizure can be contested and their right to have counsel represent them in the forfeiture proceeding.

In a change to criminal forfeiture, which can take place after a defendant is convicted of a crime, the bill overturns the Supreme Court's recent decision in Kaley v. United States. A defendant will have the right to ask for a hearing to modify the seizure so as to demonstrate that assets not associated with the charged criminal activity can be used to hire the attorney of the defendant's choice. The court is directed to consider various factors at the hearing.

Additionally, the bill makes it easier for those whose assets have been seized to recover their attorney's fees when they settle their cases. The bill requires the Justice Department's Inspector General to audit a sample of civil forfeitures to make sure they are consistent with the Constitution and the law. And it directs the Attorney General to establish databases on real-time status of forfeitures and on the types of forfeitures sought, the agencies seeking them, and the conduct that leads the property to be forfeited.

Further, the bill codifies DOJARS policy to allow civil forfeiture in structuring cases only when the property to be seized is derived from an underlying crime other than structuring, or where it is done to conceal illegal activity. Structuring is a crime by which cash deposits or withdrawals are made with the intent of avoiding government reporting requirements. In Iowa, for instance, prosecutors brought an action against a restauranteur, Carole Hinders, who had deposited cash from her operations without any intention to evade any reporting requirement or to conceal some other illegal activity. After IRS changed its policy, prosecutors dropped the case. The bill will prevent the government from pursuing civil asset forfeiture cases such as these in the future.

Finally, the bill expands existing protections for innocent owners of property that is sought to be forfeited. The government will have to prove that there is a substantial connection between the property and an offense and that the owner of the seized property intentionally used the property, knowingly consented to its criminal use, or reasonably should have known that the property might be used in connection with the offense.

Many of these provisions strengthen the Civil Asset Forfeiture Reform Act. That legislation improved the process and provided greater protection for innocent owners involved in civil asset forfeiture than had previously been the case. But, as we have seen, excesses and injustices still remain. The DUE PROCESS Act is designed to make further progress in this area to protect the rights of people whose property has been seized without any judicial finding of criminal wrongdoing.

The problems associated with civil asset forfeiture need to be addressed. In various ways, it would have been preferable to make changes that go even beyond those in this bill. However, we do want to work with law enforcement and address their legitimate interests and concerns. I can assure them that we will continue to talk as this legislation works its way to Senate passage.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 485—TO ENCOURAGE THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF THE CONGO TO ABIDE BY CONSTITUTIONAL PROVISIONS REGARDING THE HOLDING OF PRESIDENTIAL ELECTIONS IN 2016, WITH THE AIM OF ENSURING A PEACEFUL AND ORDERLY DEMOCRATIC TRANSITION OF POWER

Mr. FLAKE (for himself, Mr. COONS, Mr. ISAKSON, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 485

Whereas the United States Government has supported and will continue to support the principle that the people of the Democratic Republic of the Congo (in this resolution referred to as ''the DRC'') should choose their own government in accordance with their constitution and all relevant laws and regulations;

Whereas the constitution of the DRC requires that elections be held in time for the inauguration of a new president on December 19, 2016, when the current presidential term expires;

Whereas, on March 30, 2016, the United Nations Security Council adopted resolution 2277, which called upon the Government of the DRC and its national partners, including the CENI (Independent National Electoral Commission), ''to ensure a transparent and credible electoral process, in fulfillment of their primary responsibility to create propitious conditions for the forthcoming elections . . . scheduled for November 2016 in accordance with the Constitution'' and urged the Government of the DRC and all relevant parties to ensure an electoral environment conducive to a ''free, fair, credible, inclusive, transparent, peaceful, and timely electoral process, in accordance with the Congolese constitution'';

Whereas events in the DRC over the last year and a half have called into serious question the commitment of the Government of the DRC to hold such elections on the required timeline, and President Joseph Kabila has not publicly committed to stepping down at the end of his term;

Whereas there are 12 presidential elections slated to take place on the continent of Africa by the end of 2017, and what transpires in the DRC will set an important example for the leaders of those countries; and

Whereas many observers have expressed concern that failure to move ahead with elections in the DRC could lead to violence and instability inside the DRC, which could reverberate throughout central Africa's Great Lakes region: Now, therefore, be it

Resolved, That the Senate—

(1) urges the Government of the DRC and all other relevant parties to engage in a credible, independently-monitored, and technical dialogue to reach consensus on a way forward on establishing a detailed electoral calendar and organizing elections;

(2) urges the Government of the DRC to respect the constitution of the DRC and, as constitutionally required, to ensure a free, open, peaceful, and democratic transition of power;

(3) expresses its solidarity with the people of the DRC to choose their own government in an atmosphere free of violence, threats, and intimidation by the government or other parties, including the release of Fred Bauma and Yves Makwambala;

(4) commits to maintain vigilance and scrutiny of the electoral process in the DRC, to help ensure that all United States Government activities contribute fully and robustly to the abovementioned objectives; and

(5) pledges to examine continuously the use of all available and appropriate means to ensure these objectives, including the imposition of targeted sanctions on individuals or entities responsible for violence and human rights violations and undermining democratic processes in the DRC.

SENATE RESOLUTION 486—COMMEMORATING ''CRUISE TRAVEL PROFESSIONAL MONTH'' IN OCTOBER 2016

Mr. RUBIO (for himself and Mr. CASSIDY) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 486

Whereas Cruise Lines International Association was established in 1975 and as of 2016 is the largest cruise industry trade association in the world, providing a unified voice and serving as the leading authority for the global cruise community;

Whereas Cruise Lines International Association supports policies and practices that foster a safe, secure, healthy, and sustainable cruise ship environment and is dedicated to promoting the cruise travel experience;

Whereas approximately 10,000 travel agencies and 19,000 individual cruise travel professionals are members of Cruise Lines International Association and participate in ongoing professional development and training programs to build cruise industry knowledge;

Whereas cruise travel professionals deliver value to consumers by providing advice on choosing the best cruise based on the budgets and interests of the customers and taking the worry out of vacation planning by arranging the details of vacations;

Whereas cruise passengers have consistently ranked cruise travel professionals as the most helpful sources of information and service among all distribution channels used for purchasing cruises;

Whereas 70 percent of cruise passengers from the United States use a cruise travel professional to plan and book a cruise vacation;

Whereas Cruise Lines International Association and cruise travel professionals across the world celebrate and promote October as ''Plan a Cruise Month'';

Whereas the United States has the most cruise passengers in the world, with almost 11,500,000 cruise passengers in 2014;

Whereas the cruise industry in the United States generated 375,000 jobs across all 50 States in 2014; and

Whereas, in 2014, the cruise industry spent $21,000,000,000 directly with United States businesses and generated $46,000,000,000 in gross outputs due to the spending of cruise lines and the crew and passengers of cruise lines, including indirect economic impacts: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the inaugural ''Cruise Travel Professional Month'' in October 2016;

(2) acknowledges the creativity and professionalism of the men and women of the cruise travel professional community; and

(3) encourages the people of the United States to observe ''Cruise Travel Professional Month'' with appropriate ceremonies and activities.

SENATE RESOLUTION 487—COMMEMORATING THE 100TH ANNIVERSARY OF THE RESERVE OFFICERS' TRAINING CORPS PROGRAM OF THE ARMY

Mrs. ERNST submitted the following resolution; which was considered and agreed to:

S. RES. 487

Whereas June 3, 2016, marks the 100th anniversary of the Reserve Officers' Training Corps program of the Army (referred to in this preamble as ''Army ROTC'');

Whereas Congress established Army ROTC and the Naval Reserve Officer Training Corps in the Act of June 3, 1916 (39 Stat. 166, chapter 134) (commonly known as the ''National Defense Act of 1916'');

Whereas the Army has commissioned more than 650,000 officers from Army ROTC;

Whereas Army ROTC serves as a critical component for the training of men and women to take command, protecting the national security of the United States and way of life of individuals in the United States;

Whereas Army ROTC produces the next generation of innovative and adaptive leaders while providing those leaders with essential collegiate educational opportunities;

Whereas Army ROTC commissioned 5,536 officers in 2014;

Whereas Army ROTC produced 21 4-star generals between 2000 and 2016;

Whereas Army ROTC is available at nearly 1,000 institutions of higher education across all 50 States and all territories;

Whereas the Army has included in Army ROTC programs such as the Green to Gold and Simultaneous Membership programs to allow an enlisted member of the Army to gain a college education and become an officer of the Army;

Whereas women have been an integral part of Army ROTC since academic year 1972–1973; and

Whereas Army ROTC serves as a way for an individual to gain a college education and serve the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Reserve Officers' Training Corps program of the Army (referred to in this resolving clause as ''Army ROTC'') continues to train the next generation of military leaders, who are well-equipped to defeat existing enemies of the United States and those enemies that may emerge in the future;

(2) the Senate is encouraged by the quality of leaders that Army ROTC has and will continue to produce; and

(3) as of the date of adoption of this resolution, Army ROTC produces more Army officers than any other source.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4604. Mrs. SHAHEEN (for herself, Mr. TILLIS, Mr. REED, and Mr. MCCAIN) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4605. Mr. SCOTT submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4606. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4607. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2943, supra.

SA 4608. Mr. ALEXANDER (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4609. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4610. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4611. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4612. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4613. Ms. HEITKAMP (for herself, Ms. AYOTTE, Mr. GRAHAM, and Mr. DONNELLY) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4614. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4615. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4616. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4617. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4618. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4619. Mr. INHOFE (for himself, Mr. HOEVEN, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4620. Mrs. ERNST (for herself, Mr. DURBIN, Mr. GRASSLEY, Mr. KIRK, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4621. Mrs. ERNST (for herself, Mr. CORKER, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4622. Mr. FLAKE submitted an amendment intended to be proposed by him to the

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

SA 4623. Mr. PAUL (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4624. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4625. Mr. MURPHY (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4626. Mr. CARPER (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4627. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4628. Ms. KLOBUCHAR (for herself, Mr. TILLIS, Mr. ROUNDS, Mrs. GILLIBRAND, and Mr. FRANKEN) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4629. Mr. RUBIO (for himself, Mr. COCHRAN, Mr. WARNER, Mr. INHOFE, Mr. HATCH, Mr. MORAN, Mrs. SHAHEEN, Mr. NELSON, Mr. HOEVEN, Mr. LEE, Mr. KING, Mr. THUNE, Ms. AYOTTE, Mrs. FISCHER, Mr. BURR, Mr. CARDIN, Ms. COLLINS, Mr. KAINE, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4630. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4631. Mr. PETERS submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4632. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4633. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4634. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4635. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4636. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4637. Ms. HIRONO (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4638. Mr. KIRK (for himself, Mr. GRASSLEY, Mrs. ERNST, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4639. Mrs. ERNST (for herself, Mr. MCCAIN, and Mr. CARDIN) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4640. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4641. Mrs. SHAHEEN (for herself, Mr. BURR, and Ms. AYOTTE) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4642. Mr. BOOKER (for himself, Mr. NELSON, Mr. SCHUMER, Mr. MENENDEZ, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4643. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4644. Ms. WARREN submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4645. Ms. WARREN (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4646. Mrs. FEINSTEIN (for herself, Mr. LEE, Mr. PAUL, Mr. UDALL, Mr. CRUZ, Mr. WHITEHOUSE, Mr. COONS, Ms. COLLINS, and Mr. HEINRICH) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4647. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4648. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4649. Mr. KIRK (for himself, Mr. MANCHIN, Mr. CARDIN, Mr. SCHUMER, Mr. PORTMAN, Mr. RUBIO, Ms. MURKOWSKI, Mr. TILLIS, Mr. VITTER, Mr. HATCH, Mr. CRUZ, Mr. MENENDEZ, Mr. ROBERTS, Mr. CORNYN , Mr. NELSON, Mr. WYDEN, and Mr. MARKEY) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4650. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4651. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4652. Mr. SCOTT submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4653. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4654. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4655. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4656. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4657. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4658. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 4336 submitted by Mr. BROWN and intended to be proposed to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4659. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4660. Mr. MURPHY (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4661. Mr. GRAHAM (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4662. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4663. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 4636 submitted by Mr. MCCAIN and intended to be proposed to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4664. Ms. KLOBUCHAR (for herself and Mrs. ERNST) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4665. Mr. HELLER (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4666. Ms. MURKOWSKI (for herself, Mr. WHITEHOUSE, Mr. SULLIVAN, Ms. KLOBUCHAR, Mr. FRANKEN, Ms. BALDWIN, Mrs. BOXER, and Mr. REED) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4667. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4509 submitted by Mr. NELSON (for himself, Mr. GARDNER, Mr. BENNET, Mr. SHELBY, and Mr. DURBIN) and intended to be proposed to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4668. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4647 submitted by Mr. SHELBY and intended to be proposed to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4669. Mr. SASSE (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4604. Mrs. SHAHEEN (for herself, Mr. TILLIS, Mr. REED, and Mr. MCCAIN) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1216. SPECIAL IMMIGRANT STATUS FOR CERTAIN AFGHANS.

(a) PRIORITIZATION OF APPLICATIONS BY THE CHIEF OF MISSION.—Section 602(b)(2)(D)(i) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended by adding at the end ''In processing applications under this paragraph, the Chief of Mission shall prioritize, to the maximum extent practicable, applications for those aliens who have experienced or are experiencing an ongoing and credible serious threat as a consequence of the alien's employment by the United States Government.''.

(b) NUMERICAL LIMITATIONS.—Section 602(b)(3)(F) of such Act is amended—

(1) in the subparagraph heading, by striking ''AND 2017'' and inserting ''2017, AND 2018'';

(2) by striking ''December 31, 2016;'' each place it appears and inserting ''December 31, 2017;''; and

(3) in the matter preceding clause (i)—

(A) by striking ''exhausted,,'' and inserting ''exhausted,''; and

(B) by striking ''7,000'' and inserting ''9,500''.

(c) REPORT.—Section 602(b)(14) of such Act is amended—

(1) in the matter preceding subparagraph (A), by striking ''Not later than 60 days after the date of the enactment of this paragraph,'' and inserting ''Not later than December 31, 2016, and annually thereafter through January 31, 2021,''; and

(2) in subparagraph (A)(i), by striking ''under this section;'' and inserting ''under subclause (I) or (II)(bb) of paragraph (2)(A)(ii);''.

(d) PLAN TO BRING AFGHAN SIV PROGRAM TO A RESPONSIBLE END.—Section 602(b) of such Act is amended by adding at the end the following:

''(17) PLAN TO BRING AFGHAN SIV PROGRAM TO A RESPONSIBLE END.—

''(A) IN GENERAL.—Not later than 120 days after the earlier of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017 or March 1, 2018, the Secretary of Defense and the Secretary of State, in consultation with the Secretary of Homeland Security, the Chairman of the Joint Chiefs of Staff, the Commander of United States Central Command, and the Commander Resolute Support/United States Forces – Afghanistan, shall submit a report to the appropriate committees of Congress that details a strategy for bringing the program authorized under this subsection to provide special immigrant status to certain Afghans to a responsible end by or before December 31, 2018.

''(B) CONTENT.—The report required under subparagraph (A) shall—

''(i) identify the number of visas that would be required to meet existing or reasonably projected commitments, taking into account the need to support a continued United States Government presence in Afghanistan;

''(ii) provide an estimate of how long such visas should remain available;

''(iii) assess whether other existing programs would be adequate to incentivize the continued recruitment, retention, and protection of critical Afghan employees, after the program authorized under this subsection expires; and

''(iv) describe potential alternative programs that could be considered if existing programs are inadequate.''.

(e) REPORT.—Not later than 120 days after the enactment of this Act, the Secretary of the Department of Homeland Security shall submit to Congress a report on the frequency, duration, and reasons recipients of these visas from Afghanistan travel back to Afghanistan.

SA 4605. Mr. SCOTT submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 582. INFORMATION ON MILITARY STUDENT PERFORMANCE.

Section 574(b)(3) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (20 U.S.C. 7703b note) is amended by adding at the end the following: ''The plan for outreach shall include annual updates of the most recent information, disaggregated for each State and local educational agency, available from the State and local report cards required under section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(ii)) regarding—

''(A) the number of public elementary school and secondary school students with a parent who is a member of the Armed Forces (as defined in section 101(a)(4) of title 10, United States Code) on active duty (as defined in section 101(d)(5) of such title); and

''(B) the achievement by such students for each level of achievement, as determined by the State, on the academic assessments described in section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)).''.

SA 4606. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 829A.

SA 4607. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 508, strike line 10 and all that follows through ''(d) TRAINING.—'' on line 15 and insert the following:

Section 2332 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) TRAINING.—

SA 4608. Mr. ALEXANDER (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 578 and insert the following:

SEC. 578. CRIMINAL HISTORY CHECKS FOR COVERED INDIVIDUALS AT DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.

(a) DEFINITIONS.—In this section:

(1) The term ''covered individual'' means an individual involved in the provision of child care services (as defined in section 231 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13041)) for children under the age of 18 at a covered school.

(2) The term ''covered school'' means a Department of Defense domestic dependent elementary or secondary school established under section 2164 of title 10, United States Code.

(b) CRIMINAL HISTORY CHECKS.—

(1) IN GENERAL.—The Secretary of Defense, pursuant to chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), and subtitle E of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13041), shall have the authority to establish regulations to implement policy, assign responsibilities, and provide procedures, and shall have in effect policies and procedures, regarding criminal history checks.

(2) POLICIES AND PROCEDURES FOR CRIMINAL HISTORY CHECKS.—The policies and procedures to implement criminal history checks required under paragraph (1) may include the following:

(A) Databases searches of—

(i) the State criminal registry or repository of the State in which the covered individual resides;

(ii) State-based child abuse and neglect registries and databases of the State in which the covered individual resides;

(iii) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

(iv) the National Sex Offender Registry established under section 119 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919).

(B) Providing covered individuals with training and professional development about how to recognize, respond to, and prevent child abuse.

(C) The development, implementation, or improvement of mechanisms to assist covered schools in effectively recognizing and quickly responding to incidents of child abuse by covered individuals.

(D) Developing and disseminating information on best practices and Federal, State, and local resources available to assist covered schools in preventing and responding to incidents of child abuse by covered individuals.

(E) Developing professional standards and codes of conduct for the appropriate behavior of covered individuals.

(F) Establishing, implementing, or improving policies and procedures for covered schools to provide the results of criminal history checks to—

(i) covered individuals subject to the criminal history checks in a statement that indicates whether the individual is ineligible for certain employment due to the criminal history check and includes information related to each disqualifying finding from the criminal history check; and

(ii) a covered school in a statement that indicates whether a covered individual is eligible or ineligible for certain employment, without revealing any disqualifying finding from the criminal history check or other related information regarding the covered individual.

(G) Establishing, implementing, or improving procedures that include periodic criminal history checks for covered individuals, while maintaining an appeals process.

(H) Establishing, implementing, or improving a process by which a covered individual may appeal the results of a criminal history check, which process shall be completed in a timely manner, give each covered individual notice of an opportunity to appeal, and give each covered individual instructions on how to complete the appeals process.

(I) Establishing, implementing, or improving a review process through which a covered school may determine that a covered individual who was disqualified due to a finding in the criminal history check is eligible for employment due to mitigating circumstances, as determined by the covered school.

(J) Establishing, implementing, or improving policies and procedures intended to ensure that a covered school does not knowingly transfer or facilitate the transfer of a covered individual if the covered school knows or has probable cause to believe that the covered individual has engaged in sexual misconduct, in accordance with section 578A.

(K) Publishing the applicable policies and procedures described in this subsection on the website of covered schools.

(L) Providing covered individuals with training regarding the appropriate reporting of incidents of child abuse under section 106(b)(2)(B)(i) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(2)(B)(i)).

(M) Supporting any other activities determined by a covered school to protect student safety or improve the comprehensiveness, coordination, and transparency of policies and procedures regarding criminal history checks for covered individuals at the covered school.

SEC. 578A. PROHIBITION ON AIDING AND ABETTING SEXUAL ABUSE.

(a) IN GENERAL.—The Secretary of Defense shall promulgate regulations, policies, or procedures that prohibit any individual who is a school employee, contractor, or agent of any Department of Defense domestic dependent elementary or secondary school established pursuant to section 2164 of title 10, United States Code, from assisting a school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law.

(b) EXCEPTION.—The requirements of subsection (a) shall not apply if the information giving rise to probable cause—

(1)(A) has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and

(B) has been properly reported to any other authorities as required by Federal, State, or local law, including chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), and the regulations implementing such title under part 106 of title 34, Code of Federal Regulations, or any succeeding regulations; and

(2)(A) the matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law;

(B) the school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or

(C) the case or investigation remains open and there have been no charges filed against, or indictment of, the school employee, contractor, or agent within 4 years of the date on which the information was reported to a law enforcement agency.

SA 4609. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 578 and insert the following:

SEC. 578. CRIMINAL BACKGROUND CHECKS FOR SCHOOL EMPLOYEES.

(a) IN GENERAL.—Subpart 2 of part F of title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901 et seq.) is amended by adding at the end the following:

"SEC. 8549D. CRIMINAL BACKGROUND CHECKS FOR SCHOOL EMPLOYEES.

''(a) CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

''(1) IN GENERAL.—Each State educational agency and local educational agency that receives funds under this Act shall have in effect policies and procedures that require a criminal background check for each school employee in each covered school served by such State educational agency and local educational agency.

''(2) REQUIREMENTS.—A background check required under paragraph (1) shall be conducted and administered by—

''(A) the State;

''(B) the State educational agency; or

''(C) the local educational agency.

''(b) STATE AND LOCAL USES OF FUNDS.—A State educational agency or local educational agency that receives funds under this Act may use such funds to establish, implement, or improve policies and procedures on background checks for school employees required under subsection (a) to—

''(1) expand the registries or repositories searched when conducting background checks, such as—

''(A) the State criminal registry or repository of the State in which the school employee resides;

''(B) the State-based child abuse and neglect registries and databases of the State in which the school employee resides;

''(C) the Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

''(D) the National Sex Offender Registry established under section 119 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919);

''(2) provide school employees with training and professional development on how to recognize, respond to, and prevent child abuse;

''(3) develop, implement, or improve mechanisms to assist covered local educational agencies and covered schools in effectively recognizing and quickly responding to incidents of child abuse by school employees;

''(4) develop and disseminate information on best practices and Federal, State, and local resources available to assist local educational agencies and schools in preventing and responding to incidents of child abuse by school employees;

''(5) develop professional standards and codes of conduct for the appropriate behavior of school employees;

''(6) establish, implement, or improve policies and procedures for covered State educational agencies, covered local educational agencies, or covered schools to provide the results of background checks to—

''(A) individuals subject to the background checks in a statement that indicates whether the individual is ineligible for such employment due to the background check and includes information related to each disqualifying crime;

''(B) the employer in a statement that indicates whether a school employee is eligible or ineligible for employment, without revealing any disqualifying crime or other related information regarding the individual;

''(C) another employer in the same State or another State, as permitted under State law, without revealing any disqualifying crime or other related information regarding the individual; and

''(D) another local educational agency in the same State or another State that is considering such school employee for employment, as permitted under State law, without revealing any disqualifying crime or other related information regarding the individual;

''(7) establish, implement, or improve procedures that include periodic background checks, which also allows for an appeals process as described in paragraph (8), for school employees in accordance with State policies or the policies of covered local educational agencies served by the covered State educational agency;

''(8) establish, implement, or improve a process by which a school employee may appeal the results of a background check, which process is completed in a timely manner, gives each school employee notice of an opportunity to appeal, and instructions on how to complete the appeals process;

''(9) establish, implement, or improve a review process through which the covered State educational agency or covered local educational agency may determine that a school employee disqualified due to a crime is eligible for employment due to mitigating circumstances as determined by a covered local educational agency or a covered State educational agency;

''(10) establish, implement, or improve policies and procedures intended to ensure a covered State educational agency or covered local educational agency does not knowingly transfer or facilitate the transfer of a school employee if the agency knows that employee has engaged in sexual misconduct, as defined by State law, with an elementary school or secondary school student;

''(11) provide that policies and procedures are published on the website of the covered State educational agency and the website of each covered local educational agency served by the covered State educational agency;

''(12) provide school employees with training regarding the appropriate reporting of incidents of child abuse under section 106(b)(2)(B)(i) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(2)(B)(i)); and

''(13) support any other activities determined by the State to protect student safety or improve the comprehensiveness, coordination, and transparency of policies and procedures on criminal background checks for school employees in the State.

''(c) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to create a private right of action if a State, covered State educational agency, covered local educational agency, or covered school is in compliance with State regulations and requirements concerning background checks.

''(d) BACKGROUND CHECK FEES.—Nothing in this section shall be construed as prohibiting States or local educational agencies from charging school employees for the costs of processing applications and administering a background check as required by State law, provided that the fees charged to school employees do not exceed the actual costs to the State or local educational agency for the processing and administration of the background check.

''(e) STATE AND LOCAL PLAN REQUIREMENTS.—Each plan submitted by a State or local educational agency under title I shall include—

''(1) an assurance that the State and local educational agency has in effect policies and procedures that meet the requirements of this section; and

''(2) a description of laws, regulations, or policies and procedures in effect in the State

for conducting background checks for school employees designed to—

''(A) terminate individuals in violation of State background check requirements;

''(B) improve the reporting of violations of the background check requirements in the State;

''(C) reduce the instance of school employee transfers following a substantiated violation of the State background check requirements by a school employee;

''(D) provide for a timely process by which a school employee may appeal the results of a criminal background check;

''(E) provide each school employee, upon request, with a copy of the results of the criminal background check, including a description of the disqualifying item or items, if applicable;

''(F) provide the results of the criminal background check to the employer in a statement that indicates whether a school employee is eligible or ineligible for employment, without revealing any disqualifying crime or other related information regarding the individual; and

''(G) provide for the public availability of the policies and procedures for conducting background checks.

''(f) TECHNICAL ASSISTANCE TO STATES, SCHOOL DISTRICTS, AND SCHOOLS.—The Secretary, in collaboration with the Secretary of Health and Human Services and the Attorney General, shall provide technical assistance and support to States, local educational agencies, and schools, which shall include, at a minimum—

''(1) developing and disseminating a comprehensive package of materials for States, State educational agencies, local educational agencies, and schools that outlines steps that can be taken to prevent and respond to child sexual abuse by school personnel;

''(2) determining the most cost-effective way to disseminate Federal information so that relevant State educational agencies and local educational agencies, child welfare agencies, and criminal justice entities are aware of such information and have access to it; and

''(3) identifying mechanisms to better track and analyze the prevalence of child sexual abuse by school personnel through existing Federal data collection systems, such as the School Survey on Crime and Safety, the National Child Abuse and Neglect Data System, and the National Crime Victimization Survey.

''(g) REPORTING REQUIREMENTS.—

''(1) REPORTS TO THE SECRETARY.—A covered State educational agency or covered local educational agency that uses funds pursuant to this section shall report annually to the Secretary on—

''(A) the amount of funds used; and

''(B) the purpose for which the funds were used under this section.

''(2) SECRETARY'S REPORT CARD.—Not later than July 1, 2018, and annually thereafter, the Secretary, acting through the Director of the Institute of Education Sciences, shall transmit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a national report card that includes—

''(A) actions taken pursuant to subsection (f), including any best practices identified under such subsection; and

''(B) incidents of reported child sexual abuse by school personnel, as reported through existing Federal data collection systems, such as the School Survey on Crime and Safety, the National Child Abuse and Neglect Data System, and the National Crime Victimization Survey.

''(h) RULES OF CONSTRUCTION REGARDING BACKGROUND CHECKS.—

''(1) NO FEDERAL CONTROL.—Nothing in this section shall be construed to authorize an officer or employee of the Federal Government to—

''(A) mandate, direct, or control the background check policies or procedures that a State or local educational agency develops or implements under this section;

''(B) establish any criterion that specifies, defines, or prescribes the background check policies or procedures that a State or local educational agency develops or implements under this section; or

''(C) require a State or local educational agency to submit such background check policies or procedures for approval.

''(2) PROHIBITION ON REGULATION.—Nothing in this section shall be construed to permit the Secretary to establish any criterion that—

''(A) prescribes, or specifies requirements regarding, background checks for school employees;

''(B) defines the term 'background checks', as such term is used in this section; or

''(C) requires a State or local educational agency to report additional data elements or information to the Secretary not otherwise explicitly authorized under this section or any other Federal law.

''(i) DEFINITIONS.—In this section—

''(1) the term 'covered local educational agency' means a local educational agency that receives funds under this Act;

''(2) the term 'covered school' means a public elementary school or public secondary school, including a public elementary or secondary charter school, that receives funds under this Act;

''(3) the term 'covered State educational agency' means a State educational agency that receives funds under this Act; and

''(4) the term 'school employee' includes, at a minimum—

''(A) an employee of, or a person seeking employment with, a covered school, covered local educational agency, or covered State educational agency and who, as a result of such employment, has (or, in the case of a person seeking employment, will have) a job duty that includes unsupervised contact or interaction with elementary school or secondary school students; or

''(B) any person, or any employee of any person, who has a contract or agreement to provide services with a covered school, covered local educational agency, or covered State educational agency, and such person or employee, as a result of such contract or agreement, has a job duty that includes unsupervised contact or unsupervised interaction with elementary school or secondary school students.''.

(b) TABLE OF CONTENTS.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 is amended by inserting after the item relating to section 8549C the following:

''Sec. 8549D. Criminal background checks for school employees.''.

(c) BACKGROUND CHECKS FOR DEPARTMENT OF DEFENSE SCHOOLS.—

(1) IN GENERAL.—The Secretary of Defense shall have the authority, pursuant to chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), and subtitle E of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13041), to establish regulations to implement policy, assign responsibilities, and provide procedures to conduct criminal history checks on individuals involved in the provision of child care services (as defined in section 231 of such Act) for children under the age of 18 in Department of Defense domestic dependent elementary and secondary schools established under section 2164 of title 10, United States Code.

(2) CONTENTS OF CRIMINAL HISTORY CHECKS.—The criminal history checks established in the regulations required under paragraph (1) may include—

(A) a search of the State criminal registry or repository of the State in which the individual resides;

(B) a search of State-based child abuse and neglect registries and databases of the State in which the individual resides;

(C) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

(D) a search of the National Sex Offender Registry established under section 119 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919).

(d) PROHIBITION ON AIDING AND ABETTING SEXUAL ABUSE.—

(1) IN GENERAL.—Commencing not later than 2 years after the date of the enactment of this Act, the Secretary of Defense shall create regulations, policies, or procedures that prohibit any individual who is a school employee, contractor, or agent of any Department of Defense domestic dependent elementary or secondary school established pursuant to section 2164 of title 10, United States Code, from assisting a school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law.

(2) EXCEPTIONS.—The requirements of paragraph (1) shall not apply if the information giving rise to probable cause—

(A)(i) has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and

(ii) has been properly reported to any other authorities as required by Federal, State, or local law, including chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), and the regulations implementing such title under part 106 of title 34, Code of Federal Regulations, or any succeeding regulations; and

(B)(i) the matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law;

(ii) the school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or

(iii) the case or investigation remains open and there have been no charges filed against, or indictment of, the school employee, contractor, or agent within 4 years of the date on which the information was reported to a law enforcement agency.

SA 4610. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXIX, add the following:

SEC. 2904. FIRE STATION, FORT LEONARD WOOD, MISSOURI.

The amount authorized to be appropriated under section 2903 and available for Army military construction projects as specified in the funding table in section 4602 is increased by $6,900,000, with the amount of such increase to be allocated for a Fire Station, Fort Leonard Wood, Missouri.

SA 4611. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. PUBLICATION OF INFORMATION ON PROVISION OF HEALTH CARE BY DEPARTMENT OF VETERANS AFFAIRS AND ABUSE OF OPIOIDS BY VETERANS.

(a) PUBLICATION OF INFORMATION.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than once every 180 days thereafter, the Secretary of Veterans Affairs shall publish on a publicly available Internet website of the Department of Veterans Affairs information on the provision of health care by the Department and the abuse of opioids by veterans.

(b) ELEMENTS.—

(1) HEALTH CARE.—

(A) IN GENERAL.—Each publication required by subsection (a) shall include, with respect to each medical facility of the Department during the 180-day period preceding such publication, the following:

(i) The average number of patients seen per month by each primary care physician.

(ii) The average length of stay for inpatient care.

(iii) A description of any hospital-acquired condition acquired by a patient.

(iv) The rate of readmission of patients within 30 days of release.

(v) The rate at which opioids are prescribed to each patient.

(vi) The average wait time for emergency room treatment.

(vii) A description of any scheduling backlog with respect to patient appointments.

(B) ADDITIONAL ELEMENTS.—The Secretary may include in each publication required by subsection (a) such additional information on the safety of medical facilities of the Department, health outcomes at such facilities, and quality of care at such facilities as the Secretary considers appropriate.

(C) SEARCHABILITY.—The Secretary shall ensure that information described in subparagraph (A) that is included on the Internet website required by subsection (a) is searchable by State, city, and facility.

(2) OPIOID ABUSE BY VETERANS.—Each publication required by subsection (a) shall include, for the 180-day period preceding such publication, the following information:

(A) The number of veterans prescribed opioids by health care providers of the Department.

(B) A comprehensive list of all facilities of the Department offering an opioid treatment program, including details on the types of services available at each facility.

(C) The number of veterans treated by a health care provider of the Department for opioid abuse.

(D) Of the veterans described in subparagraph (C)—

(i) the number treated for opioid abuse in conjunction with posttraumic stress disorder, depression, or anxiety; and

(ii) the number with a diagnosis of opioid abuse during the one-year period before beginning treatment from a health care provider of the Department and for which there is no evidence of treatment for opioid abuse from a health care provider of the Department during such period.

(c) PERSONAL INFORMATION.—The Secretary shall ensure that personal information connected to information published under subsection (a) is protected from disclosure as required by applicable law.

(d) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report setting forth recommendations for additional elements to be included with the information published under subsection (a) to improve the evaluation and assessment of the safety and health of individuals receiving health care under the laws administered by the Secretary and the quality of health care received by such individuals.

SA 4612. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1667. UNITED STATES POLICY ON BALLISTIC MISSILE DEFENSE.

(a) POLICY.—With respect to ballistic missile defense, it is the policy of the United States to—

(1) defend the United States homeland against the threat of limited ballistic missile attack, particularly from nations such as North Korea and Iran;

(2) defend against regional missile threats to deployed United States military forces, while also protecting allies and partners and helping enable them to defend themselves;

(3) ensure that before new ballistic missile defense capabilities are deployed, they must undergo sufficient operationally realistic testing and demonstrate that they can perform reliably and effectively to help United States forces accomplish their missions;

(4) ensure that such ballistic missile defense systems are affordable and fiscally sustainable over the long term;

(5) ensure that United States ballistic missile defense capabilities are flexible enough to adapt to evolving missile threats; and

(6) enhance international efforts and cooperation on ballistic missile defense to increase regional security and appropriate burden-sharing.

(b) CONFORMING REPEAL.—The National Missile Defense Act of 1999 (Public Law 106–38) is hereby repealed.

SA 4613. Ms. HEITKAMP (for herself, Ms. AYOTTE, Mr. GRAHAM, and Mr. DONNELLY) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. QUORUM REQUIREMENT FOR BOARD OF DIRECTORS OF EXPORT-IMPORT BANK OF THE UNITED STATES.

Notwithstanding section 3(c)(6) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)(6)), the entire voting membership of the Board of Directors of the Export-Import Bank of the United States shall constitute a quorum during any period during which there are fewer than 3 voting members holding office on the Board.

SA 4614. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 673. CREDIT PROTECTIONS FOR SERVICEMEMBERS.

(a) ACTIVE DUTY FREEZE ALERTS.—Section 605A of the Fair Credit Reporting Act (15 U.S.C. 1681c–1) is amended—

(1) in the heading for such section, by striking ''**AND ACTIVE DUTY ALERTS**'' and inserting ''**, ACTIVE DUTY ALERTS, AND ACTIVE DUTY FREEZE ALERTS**'';

(2) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively;

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

''(d) ACTIVE DUTY FREEZE ALERTS.—Upon the direct request of an active duty military consumer, or an individual acting on behalf of or as a personal representative of an active duty military consumer, a consumer reporting agency described in section 603(p) that maintains a file on the active duty military consumer and has received appropriate proof of the identity of the requester, at no cost to the active duty military consumer while the consumer is deployed, shall—

''(1) include an active duty freeze alert in the file of that active duty military consumer, during a period of not less than 12 months, or such longer period as the Bureau shall determine, by regulation, beginning on the date of the request, unless the active duty military consumer or such representative requests that such freeze alert be removed before the end of such period, and the agency has received appropriate proof of the identity of the requester for such purpose;

''(2) during the 2-year period beginning on the date of such request, exclude the active duty military consumer from any list of consumers prepared by the consumer reporting agency and provided to any third party to offer credit or insurance to the consumer as part of a transaction that was not initiated by the consumer, unless the consumer requests that such exclusion be rescinded before the end of such period; and

''(3) refer the information regarding the active duty freeze alert to each of the other consumer reporting agencies described in section 603(p), in accordance with procedures developed under section 621(f).'';

(4) in subsection (e), as so redesignated—

(A) by striking ''extended, and active duty alerts'' and inserting ''extended, active duty, and active duty freeze alerts''; and

(B) by striking ''extended, or active duty alerts'' and inserting ''extended, active duty, or active duty freeze alerts'';

(5) in subsection (f), as so redesignated—

(A) in the matter preceding paragraph (1), by striking ''or active duty alert'' and inserting ''active duty alert, or active duty freeze alert'';

(B) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(C) in paragraph (3), by striking the period and inserting ''; and''; and

(D) by adding at the end the following:

''(4) paragraphs (1) and (2) of subsection (d), in the case of a referral under subsection (d)(3).'';

(6) in subsection (g), as so redesignated, by striking ''or active duty alert'' and inserting ''active duty alert, or active duty freeze alert''; and

(7) in subsection (i), as so redesignated, by adding at the end the following:

''(3) REQUIREMENTS FOR ACTIVE DUTY FREEZE ALERTS.—

''(A) NOTIFICATION.—Each active duty freeze alert under this section shall include information that notifies all prospective users of a consumer report on the consumer to which the freeze alert relates that the consumer does not authorize the establishment of any new credit plan or extension of credit, other than under an open-end credit plan (as defined in section 103(i)), in the name of the consumer, or issuance of an additional card on an existing credit account requested by a consumer, or any increase in credit limit on an existing credit account requested by a consumer.

''(B) PROHIBITION ON USERS.—No prospective user of a consumer report that includes an active duty freeze alert in accordance with this section may establish a new credit plan or extension of credit, other than under an open-end credit plan (as defined in section 103(i)), in the name of the consumer, or issue an additional card on an existing credit account requested by a consumer, or grant any increase in credit limit on an existing credit account requested by a consumer.''.

(b) RULEMAKING.—The Bureau of Consumer Financial Protection shall prescribe regulations to define what constitutes appropriate proof of identity for purposes of section 605A(d) of the Fair Credit Reporting Act, as amended by subsection (a).

(c) TECHNICAL AMENDMENT.—Section 603(q)(2) of the Fair Credit Reporting Act (15 U.S.C. 1681a(q)(2)) is amended—

(1) in the heading for such paragraph, by striking ''ACTIVE DUTY ALERT'' and inserting ''ACTIVE DUTY ALERT; ACTIVE DUTY FREEZE ALERT''; and

(2) by inserting ''and 'active duty freeze alert' '' before ''mean''.

(d) EFFECTIVE DATE.—This Act, and any amendment made by this Act, shall take effect 1 year after the date of enactment of this Act.

SA 4615. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2853. CONGRESSIONAL DESIGNATION OF THE NATIONAL MEDAL OF HONOR MUSEUM.

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

(1) The Medal of Honor Museum will be the only museum in the United States that exists for the exclusive purpose of interpreting the story of the Medal of Honor and all of its recipients.

(2) The Medal of Honor Museum will be the only museum to educate a diverse group of audiences through its collection of artifacts, photographs, letters, documents, and first-hand personal accounts of Medal of Honor recipients and the wars they fought in during United States conflicts since the Civil War.

(3) The Medal of Honor Museum mission is—

(A) to preserve and present the extraordinary stories of individuals who reached the highest levels of recognition, ''above and beyond the call of duty,'' in service to the Nation;

(B) to inspire current and future generations about the ideals of the Medal of Honor six columns of character—Courage, Commitment, Integrity, Citizenship, Sacrifice, and Patriotism;

(C) to help visitors understand the meaning and price of freedom and what it means to put service above self; and

(D) to serve as an education center that, through various programs, reaches out across the country to further the Medal of Honor's ideals among all Americans, especially our Nation's youth.

(4) The Medal of Honor was established by an Act of Congress in 1861 and is awarded in its name. The Medal of Honor is the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Forces of the United States and is generally presented to its recipient by the President in the name of Congress.

(5) The total number of Medal of Honor recipients from the Civil War through the current War on Terrorism is 3,495 (19 individuals are double recipients). Since World War II, the vast majority of recipients from WWII, the Korean War, and Vietnam have been awarded posthumously.

(6) As of May 3, 2016, there are only 76 living Medal of Honor recipients, whose average age is 77, creating an urgent need to preserve the stories, artifacts, and heroic achievements of these individuals.

(7) The United States has a need to preserve forever the stories, knowledge, and history of the 3,495 recipients of the Medal of Honor to portray that history and the courage, commitment, integrity, citizenship, sacrifice, and patriotism of the recipients to citizens, visitors, and school children for centuries to come.

(8) Therefore, it is appropriate to designate The Medal of Honor Museum as ''National Medal of Honor Museum''.

(b) DESIGNATION OF THE NATIONAL MEDAL OF HONOR MUSEUM.—The Medal of Honor Museum is hereby designated as ''The National Medal of Honor Museum''.

(c) FUNDING.—The amount authorized to be appropriated under section 2403 for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the finding table in section 4601, is increased by $10,000,000, with the amount of such increase to be allocated for planning and construction of the National Medal of Honor Museum.

SA 4616. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1247. PROHIBITION ON REQUIRING UNITED STATES AIR CARRIERS TO COMPLY WITH AIR DEFENSE IDENTIFICATION ZONES DECLARED BY THE PEOPLE'S REPUBLIC OF CHINA.

The Administrator of the Federal Aviation Administration may not require an air carrier that holds an air carrier certificate issued under chapter 411 of title 49, United States Code, to comply with any air defense identification zone declared by the People's Republic of China that is inconsistent with United States policy, overlaps with pre-existing air identification zones, covers disputed territory, or covers a specific geographic area over the East China Sea or South China Sea.

SA 4617. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 899C. STRATEGIC SOURCING IMPROVEMENTS.

(a) DEFINITIONS.—In this section—

(1) the term ''Department'' means the Department of Defense;

(2) the term ''Secretary'' means the Secretary of Defense; and

(3) the term ''small business concern'' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

(b) IMPROVING THE USE OF STRATEGIC SOURCING.—Not later than 180 days after the date of enactment of this Act—

(1) the Secretary, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall establish performance measures for the inclusion of small business concerns in Department-wide strategic sourcing initiatives, including efforts being conducted through the Federal Strategic Sourcing Initiative and the Category Management Initiative; and

(2) the Secretary shall begin collecting data, including data relating to the performance measures established under paragraph (1), on the participation of small business concerns in strategic sourcing initiatives established by the Department, which shall include participation as subcontractors to the extent feasible and that data is available in order to determine the effectiveness of these contract vehicles and impact on the small business industrial base.

SA 4618. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1247. DEFENSE AND SECURITY COOPERATION WITH INDIA.

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

(1) The United States and India face mutual security threats, and a robust defense partnership is in the interest of both countries.

(2) The relationship between the United States and India has developed over the past two decades to become a multifaceted, global strategic and defense partnership rooted in shared democratic values and the promotion of mutual prosperity, greater economic cooperation, regional peace, security, and stability.

(3) In 2012, the Department of Defense began an initiative to increase senior-level oversight and engagement on defense cooperation between the United States and India, which is referred to as the ''U.S.-India Defense Technology and Trade Initiative'' (DTTI).

(4) On June 3, 2015, the Government of the United States and the Government of India entered into an executive agreement, entitled ''Framework for the U.S.-India Defense Relationship'', which renewed and updated the previous defense framework agreement between the United States and India, executed on June 28, 2005.

(5) Consistent with the Framework for the U.S.-India Defense Relationship and the goals of the U.S.-India Defense Technology and Trade Initiative, improving defense cooperation, achieving greater interaction between the military forces of both countries, increasing the flow of technology and investment, developing capabilities and partnership in co-development and co-production, and strengthening two-way defense trade are in the national security interests of the United States.

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

(1) the defense partnership between the United States and India is vital to regional and international stability and security;

(2) the national security interests of the United States can be furthered by advancing the goals of the Framework for the U.S.-India Defense Relationship and the effective operation of the U.S.-India Defense Technology and Trade Initiative; and

(3) the commitment of the President to enhancing defense and security cooperation with India should be considered a priority in advancing the interests of the United States in South Asia and the Indo-Pacific region.

(c) REQUIRED ACTIONS.—The President shall take such actions as may be necessary—

(1) to recognize the status of India as a global strategic and defense partner of the United States through appropriate modifications to defense export control regulations;

(2) to approve and facilitate the transfer of advanced technology in the context of, and in order to satisfy, combined military planning with the India military for missions such as humanitarian assistance and disaster relief, counter piracy, and maritime domain awareness;

(3) to strengthen the effectiveness of the U.S.-India Defense Technology and Trade Initiative and the durability of the ''India Rapid Reaction Cell'' of the Department of Defense;

(4) to resolve issues impeding defense trade, security cooperation, and co-production and co-development opportunities between the United States and India;

(5) to collaborate with the Government of India to develop mutually agreeable mechanisms to verify the security of defense technology information and equipment, such as tailored cyber security and end-use monitoring arrangements;

(6) to promote policies that will encourage the efficient review and authorization of defense sales and exports to India, including the treatment of military sales and export authorizations to India in a manner similar to that of the closest defense partners of the United States;

(7) to pursue greater government-to-government and commercial military transactions between the United States and India; and

(8) to support the development and alignment of the export control and procurement regimes of India with those of the United States and multilateral control regimes.

(d) BILATERAL COORDINATION.—The President is encouraged to coordinate with the Government of India on an ongoing basis—

(1) to develop and keep updated military contingency plans for addressing threats to the mutual security interests of both countries;

(2) to develop combined military plans for missions such as humanitarian assistance and disaster relief, maritime domain awareness, freedom of navigation, and other missions in the national security interests of both countries; and

(3) to work toward actions and joint efforts, such as significant contributions to ongoing global conflicts, that would allow the United States to treat India the same as its closest partners and allies with respect to United States laws and regulations.

(e) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The President shall, on an ongoing basis, carry out an assessment of the extent to which India possesses capabilities to execute military operations of mutual interest between the United States and India.

(2) USE OF ASSESSMENT.—The President shall ensure that the assessment described in paragraph (1) is used to inform the review by the United States of applications to export defense articles, defense services, or technical data to India under the Arms Export Control Act (22 U.S.C. 2751 et seq.).

SA 4619. Mr. INHOFE (for himself, Mr. HOEVEN, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. RISK MANAGEMENT AND INTEGRATION EFFORTS WITH RESPECT TO CIVIL AND MILITARY UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Administrator of the Federal Aviation Administration and the heads of other relevant Federal agencies, submit to Congress a report that—

(1) assesses the risk posed by civil unmanned aircraft systems operating at or below 400 feet above ground level to—

(A) the safety of aircraft of the Armed Forces operating in military special use airspace and on military training routes; and

(B) the security of military installations located in the United States that directly support strategic operations of the Armed Forces;

(2) assesses the technology the Department of Defense employs to provide unmanned aircraft operators with airspace situational awareness, the degree to which that technology is compatible with any civilian unmanned aircraft system traffic management system that may be part of the national airspace system after the date of enactment of this Act, and the potential of the technology to enhance the safety of the United States national airspace system;

(3) describes—

(A) the cases in which unmanned aircraft of the Department of Defense may need to be interoperable with any civilian unmanned aircraft system traffic management system that may be part of the national airspace system after the date of the enactment of this Act; and

(B) the efforts of the Department of Defense to coordinate with the Federal Aviation Administration and the National Aeronautics and Space Administration on—

(i) research, development, testing, and evaluation of concepts, technologies, and systems required to ensure that unmanned aircraft systems of the Department of Defense are interoperable with any civilian unmanned aircraft system traffic management system that may be part of the national airspace system after such date of enactment; and

(ii) the development of technology and standards for any civilian unmanned aircraft system traffic management system that may be part of the national airspace system after such date of enactment; and

(4) assesses the adequacy of current laws, regulations, procedures, and activities to address risks assessed under paragraph (1) and identifies additional actions that may be appropriate and necessary to address such risks.

(b) DEFINITIONS.—In this section:

(1) CIVIL UNMANNED AIRCRAFT SYSTEM.—The term ''civil unmanned aircraft system'' means an unmanned aircraft system that is a civil aircraft (as that term is defined in section 40102 of title 49, United States Code).

(2) UNMANNED AIRCRAFT; UNMANNED AIRCRAFT SYSTEM.—The terms ''unmanned aircraft'' and ''unmanned aircraft system'' have the meanings given those terms in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

SA 4620. Mrs. ERNST (for herself, Mr. DURBIN, Mr. GRASSLEY, Mr. KIRK, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2814. ARSENAL INSTALLATION REUTILIZATION AUTHORITY.

(a) MODIFIED AUTHORITY.—In the case of a military manufacturing arsenal, the Secretary concerned may authorize leases and contracts under section 2667 of title 10, United States Code, for a term of up to 25 years, notwithstanding subsection (b)(1) of such section, if the Secretary determines that a lease or contract of that duration will promote the national defense or be in the public interest for the purpose of—

(1) helping to maintain the viability of the military manufacturing arsenal and any military installations on which it is located;

(2) eliminating, or at least reducing, the cost of Government ownership of the military manufacturing arsenal, including the costs of operations and maintenance, the costs of environmental remediation, and other costs; and

(3) leveraging private investment at the military manufacturing arsenal through long-term facility use contracts, property management contracts, leases, or other agreements that support and advance the preceding purposes.

(b) DELEGATION AND REVIEW PROCESS.—

(1) IN GENERAL.—The Secretary concerned may delegate the authority provided by this section to the commander of the major subordinate command of the Army that has responsibility for the military manufacturing arsenal or, if part of a larger military installation, the installation as a whole. The commander may approve a lease or contract under such authority on a case-by-case basis or a class basis.

(2) REVIEW PERIOD.—Any lease or contract that is approved utilizing the delegation authority under paragraph (1) is subject to a 90-day hold period so that the Army real property manager may review the lease or contract pursuant to paragraph (3).

(3) DISPOSITION OF REVIEW.—If the Army real property manager disapproves of a contract or lease submitted for review under paragraph (2), the agreement shall be null and void upon transmittal by the real property manager to the delegating authority of a written disapproval, including a justification for such disapproval, within the 90-day hold period. If no such disapproval is transmitted within the 90-day hold period, the agreement shall be deemed approved.

(4) APPROVAL OF REVISED AGREEMENT.—If, not later than 60 days after receiving a disapproval under paragraph (3), the delegating authority submits to the Army real property manager a new contract or lease that addresses the Army real property manager's concerns outlined in such disapproval, the new contract or lease shall be deemed approved unless the Army real property manager transmits to the delegating authority a disapproval of the new contract or lease within 30 days of such submission.

(c) MILITARY MANUFACTURING ARSENAL DEFINED.—In this section, the term ''military manufacturing arsenal'' means a Government-owned, Government-operated defense plant of the Department of the Defense that manufactures weapons, weapon components, or both.

(d) SUNSET.—The authority under this section shall terminate at the close of September 30, 2019.

SA 4621. Mrs. ERNST (for herself, Mr. CORKER, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1224. SENSE OF CONGRESS ON THE PESHMERGA OF THE KURDISTAN REGION OF IRAQ.

It is the sense of Congress that—

(1) the Peshmerga of the Kurdistan Region of Iraq have been one of the most effective fighting forces in the military campaign against the Islamic State of Iraq and al-Sham (ISIS);

(2) the Islamic State of Iraq and al-Sham poses an acute threat to the people and territorial integrity of Iraq, including the Kurdistan Region, and the security and stability of the Middle East;

(3) the severe budget shortfalls faced by both the Government of Iraq and the Kurdistan Regional Government are hindering the effort to defeat the Islamic State of Iraq and al-Sham;

(4) the $415,000,000 pledged by the Department of Defense to the Peshmerga in April 2016, in coordination with the Government of Iraq, in addition to the $65,000,000 already provided from the Iraq Train and Equip Fund, should be a priority for the Department as part of the continued support for the Peshmerga in the fight against the Islamic State of Iraq and al-Sham;

(5) the Peshmerga should receive all weapons and equipment that the United States agrees to provide uninterrupted and in a timely manner;

(6) the Peshmerga require medium and heavy weaponry that will allow them to defend the Peshmerga and their coalition advisers against the increased use of vehicle-borne improvised explosive devices by the Islamic State of Iraq and al-Sham; and

(7) increased assistance to ensure the Peshmerga can continue to fight the Islamic State of Iraq and al-Sham is vital to the liberation of Mosul, Iraq, to enhance the combat medicine and logistical capabilities of the Peshmerga, for the defense of internally displaced persons and refugees, and for the defense of the coalition advisers of the Peshmerga.

SA 4622. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 565. COORDINATION AND, AS APPROPRIATE, CONSOLIDATION OF FINANCIAL LITERACY PROGRAMS AND TRAINING FOR MEMBERS OF THE ARMED FORCES.

(a) PLAN REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a plan for the coordination and, as possible, consolidation of the current financial literacy training programs of the Department of Defense and the military departments for members of the Armed Forces into a coordinated and comprehensive program of financial literacy training for members that provides access over the life of the members' service and in transit—

(1) and reduces unnecessary duplication and unnecessary costs in the provision of financial literacy training to members; and

(2) ensures that members receive effective and comprehensive training in financial literacy as efficiently as possible.

(b) IMPLEMENTATION.—The Secretary of Defense and the Secretaries of the military departments shall commence implementation of the plan required by subsection (a) 90 days after the date of the submittal of the plan as required by that subsection.

SA 4623. Mr. PAUL (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. JUSTICE SAFETY VALVE.

(a) SHORT TITLE.—This section may be cited as the ''Justice Safety Valve Act of 2016''.

(b) AUTHORITY TO IMPOSE A SENTENCE BELOW A STATUTORY MINIMUM.—Section 3553 of title 18, United States Code, is amended by adding at the end the following:

''(g) AUTHORITY TO IMPOSE A SENTENCE BELOW A STATUTORY MINIMUM TO PREVENT AN UNJUST SENTENCE.—

''(1) GENERAL RULE.—Notwithstanding any provision of law other than this subsection, the court may impose a sentence below a statutory minimum if the court finds that it is necessary to do so in order to avoid violating the requirements of subsection (a).

''(2) COURT TO GIVE PARTIES NOTICE.—Before imposing a sentence under paragraph (1), the court shall give the parties reasonable notice of the court's intent to do so and an opportunity to respond.

''(3) STATEMENT IN WRITING OF FACTORS.—The court shall state, in the written statement of reasons, the factors under subsection (a) that require imposition of a sentence below the statutory minimum.

''(4) APPEAL RIGHTS NOT LIMITED.—This subsection does not limit any right to appeal that would otherwise exist in its absence.''.

SA 4624. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1667. PROCUREMENT OF MEDIUM-RANGE DISCRIMINATION RADAR TO IMPROVE HOMELAND MISSILE DEFENSE.

(a) ISSUANCE OF REQUEST FOR PROPOSALS.—Not later than October 1, 2017, the Director of the Missile Defense Agency shall issue a request for proposals for the Medium-Range Discrimination Radar in order to improve homeland missile defense.

(b) PLAN FOR FIELDING.—The Director shall plan as follows:

(1) To procure the Medium-Range Discrimination Radar, or an equivalent sensor, for fielding at a location determined by the Director to be appropriate to improve homeland missile defense for the defense of Hawaii against limited ballistic missile attack (including by accidental or unauthorized launch).

(2) To field the Radar, or such equivalent sensor, at the location determined pursuant to paragraph (1) by not later than December 31, 2021.

(c) FUNDING.—Any procurement for purposes of this section during fiscal year 2017 shall be made from within amounts otherwise authorized to be appropriated by this

Act. This section does not authorize the appropriation of funds for procurement for such purposes.

SA 4625. Mr. MURPHY (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 1058, line 15, strike ''country.'' and insert the following: ''country; and

(9) consistent with the principles of good governance and the rule of law, and to ensure alignment with the broader foreign policy and national security objectives of the United States, no funds authorized for the Defense Security Cooperation Agency by this Act, any previous Act, or otherwise available to the Agency may be used to carry out the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the purposes of implementing a sale of air to ground munitions to Saudi Arabia unless the Government of Saudi Arabia—

(A) demonstrates an ongoing effort to combat the mutual threat our nations face from designated foreign terrorist organizations; and

(B) takes all feasible precautions to reduce the risk of harm to civilians and civilian objects, in compliance with international humanitarian law, in the course of military actions it pursues for the purpose of legitimate self-defense as described in section 4 of the Arms Export Control Act (22 U.S.C. 2754).

SA 4626. Mr. CARPER (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

TITLE XXX—FEDERAL PROPERTY MANAGEMENT REFORM

SEC. 2951. SHORT TITLE.

This title may be cited as the ''Federal Property Management Reform Act of 2016''.

SEC. 2952. PURPOSE.

The purpose of this title is to increase the efficiency and effectiveness of the Federal Government in managing property of the Federal Government by—

(1) requiring the United States Postal Service to take appropriate measures to better manage and account for property and modernize the Postal fleet;

(2) providing for increased collocation with Postal Service facilities and guidance on Postal Service leasing practices;

(3) establishing a Federal Property Council to develop guidance on and ensure the implementation of strategies for better managing Federal property;

(4) providing incentives to agencies to dispose of excess property through retention of proceeds; and

(5) providing guidance for surplus property donations to museums.

SEC. 2953. PROPERTY MANAGEMENT.

(a) IN GENERAL.—Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

''Subchapter VII—Property Management

''§ 621. Definitions

''In this subchapter:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of General Services.

''(2) COUNCIL.—The term 'Council' means the Federal Property Council established by section 623(a).

''(3) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

''(4) DISPOSAL.—The term 'disposal' means any action that constitutes the removal of any property from the inventory of the Federal agency, including sale, transfer, deed, demolition, donation, or exchange.

''(5) FEDERAL AGENCY.—The term 'Federal agency' means—

''(A) an executive department or independent establishment in the executive branch of the Government; or

''(B) a wholly owned Government corporation (other than the United States Postal Service).

''(6) FIELD OFFICE.—The term 'field office' means any office of a Federal agency that is not the headquarters office location for the Federal agency.

''(7) POSTAL PROPERTY.—The term 'postal property' means any property owned or leased by the United States Postal Service.

''(8) PUBLIC-PRIVATE PARTNERSHIP.—The term 'public-private partnership' means any partnership or working relationship between a Federal agency and a corporation, individual, or nonprofit organization for the purpose of financing, constructing, operating, managing, or maintaining 1 or more Federal real property assets.

''(9) UNDERUTILIZED PROPERTY.—The term 'underutilized property' means a portion or the entirety of any real property, including any improvements, that is used—

''(A) irregularly or intermittently by the accountable Federal agency for program purposes of the Federal agency; or

''(B) for program purposes that can be satisfied only with a portion of the property.

''§ 622. Collocation among United States Postal Service properties

''(a) IDENTIFICATION OF POSTAL PROPERTY.—Each year, the Postmaster General shall—

''(1) identify a list of postal properties with space available for use by Federal agencies; and

''(2) not later than September 30, submit the list to—

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

''(B) the Committee on Oversight and Government Reform of the House of Representatives.

''(b) VOLUNTARY IDENTIFICATION OF POSTAL PROPERTY.—Each year, the Postmaster General may submit the list under subsection (a) to the Council.

''(c) SUBMISSION OF LIST OF POSTAL PROPERTIES TO FEDERAL AGENCIES.—

''(1) IN GENERAL.—Not later than 30 days after the completion of a list under subsection (a), the Council shall provide the list to each Federal agency.

''(2) REVIEW BY FEDERAL AGENCIES.—Not later than 90 days after the receipt of the list submitted under paragraph (1), each Federal agency shall—

''(A) review the list;

''(B) review properties under the control of the Federal agency; and

''(C) recommend collocations if appropriate.

''(d) TERMS OF COLLOCATION.—On approval of the recommendations under subsection (c) by the Postmaster General and the applicable agency head, the Federal agency or appropriate landholding entity may work with the Postmaster General to establish appropriate terms of a lease for each postal property.

''(e) RULE OF CONSTRUCTION.—Nothing in this section exceeds, modifies, or supplants any other Federal law relating to any competitive bidding process governing the leasing of postal property.

''§ 623. Establishment of a Federal Property Council

''(a) ESTABLISHMENT.—There is established a Federal Property Council.

''(b) PURPOSE.—The purpose of the Council shall be—

''(1) to develop guidance and ensure implementation of an efficient and effective property management strategy;

''(2) to identify opportunities for the Federal Government to better manage property and assets of the Federal Government; and

''(3) to reduce the costs of managing property of the Federal Government, including operations, maintenance, and security associated with Federal property.

''(c) COMPOSITION.—

''(1) IN GENERAL.—The Council shall be composed exclusively of—

''(A) the senior real property officers of each Federal agency and the Postal Service;

''(B) the Deputy Director for Management of the Office of Management and Budget;

''(C) the Controller of the Office of Management and Budget;

''(D) the Administrator; and

''(E) any other full-time or permanent part-time Federal officials or employees, as the Chairperson determines to be necessary.

''(2) CHAIRPERSON.—The Deputy Director for Management of the Office of Management and Budget shall serve as Chairperson of the Council.

''(3) EXECUTIVE DIRECTOR.—

''(A) IN GENERAL.—The Chairperson shall designate an Executive Director to assist in carrying out the duties of the Council.

''(B) QUALIFICATIONS; FULL-TIME.—The Executive Director shall—

''(i) be appointed from among individuals who have substantial experience in the areas of commercial real estate and development, real property management, and Federal operations and management;

''(ii) serve full time; and

''(iii) hold no outside employment that may conflict with duties inherent to the position.

''(d) MEETINGS.—

''(1) IN GENERAL.—The Council shall meet subject to the call of the Chairperson.

''(2) MINIMUM.—The Council shall meet not fewer than 4 times each year.

''(e) DUTIES.—The Council, in consultation with the Director and the Administrator, shall—

''(1) not later than 1 year after the date of enactment of this subchapter, establish a property management plan template, to be updated annually, which shall include performance measures, specific milestones, measurable savings, strategies, and Government-wide goals based on the goals established under section 524(a)(7) to reduce surplus property, to achieve better utilization of underutilized property, or to enhance management of high value personal property, and evaluation criteria to determine the effectiveness of property management that are designed—

''(A) to enable Congress and heads of Federal agencies to track progress in the achievement of property management objectives on a Government-wide basis;

''(B) to improve the management of real property; and

''(C) to allow for comparison of the performance of Federal agencies against industry and other public sector agencies in terms of performance;

''(2) develop utilization rates consistent throughout each category of space, considering the diverse nature of the Federal portfolio and consistent with nongovernmental space use rates;

''(3) develop a strategy to reduce the reliance of Federal agencies on leased space for long-term needs if ownership would be less costly;

''(4) provide guidance on eliminating inefficiencies in the Federal leasing process;

''(5) compile a list of field offices that are suitable for collocation with other property assets;

''(6) research best practices regarding the use of public-private partnerships to manage properties and develop guidelines for the use of those partnerships in the management of Federal property;

''(7) not later than 1 year after the date of enactment of this subchapter—

''(A) examine the disposal of surplus property through the State Agencies for Surplus Property program; and

''(B) issue a report that includes recommendations on how the program could be improved to ensure accountability and increase efficiencies in the property disposal process; and

''(8) not later than 1 year after the date of enactment of this subchapter and annually during the 4-year period beginning on the date that is 1 year after the date of enactment of this subchapter and ending on the date that is 5 years after the date of enactment of this subchapter, the Council shall submit to the Director a report that contains—

''(A) a list of the remaining excess property or surplus property that is real property, and underutilized properties of each Federal agency;

''(B) the progress of the Council toward developing guidance for Federal agencies to ensure that the assessment required under section 524(a)(11)(B) is carried out in a uniform manner;

''(C) the progress of Federal agencies toward achieving the goals established under section 524(a)(7); and

''(D) if necessary, recommendations for legislation or statutory reforms that would further the goals of the Council, including streamlining the disposal of excess real or personal property or underutilized property.

''(f) CONSULTATION.—In carrying out the duties described in subsection (e), the Council shall also consult with representatives of—

''(1) State, local, tribal authorities, and affected communities; and

''(2) appropriate private sector entities and nongovernmental organizations that have expertise in areas of—

''(A) commercial real estate and development;

''(B) government management and operations;

''(C) space planning;

''(D) community development, including transportation and planning;

''(E) historic preservation;

''(F) providing housing to the homeless population; and

''(G) personal property management.

''(g) COUNCIL RESOURCES.—The Director and the Administrator shall provide staffing, and administrative support for the Council, as appropriate.

''(h) ACCESS TO INFORMATION.—The Council shall make available, on request, all information generated by the Council in performing the duties of the Council to—

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

''(2) the Committee on Environment and Public Works of the Senate;

''(3) the Committee on Oversight and Government Reform of the House of Representatives;

''(4) the Committee on Transportation and Infrastructure of the House of Representatives; and

''(5) the Comptroller General of the United States.

''(i) EXCLUSIONS.—In this section, surplus property shall not include—

''(1) any military installation (as defined in section 2910 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note; Public Law 101–510));

''(2) any property that is excepted from the definition of the term 'property' under section 102;

''(3) Indian and native Eskimo property held in trust by the Federal Government as described in section 3301(a)(5)(C)(iii);

''(4) real property operated and maintained by the Tennessee Valley Authority pursuant to the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.);

''(5) any real property the Director excludes for reasons of national security;

''(6) any public lands (as defined in section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722)) administered by—

''(A) the Secretary of the Interior, acting through—

''(i) the Director of the Bureau of Land Management;

''(ii) the Director of the National Park Service;

''(iii) the Commissioner of Reclamation; or

''(iv) the Director of the United States Fish and Wildlife Service; or

''(B) the Secretary of Agriculture, acting through the Chief of the Forest Service; or

''(7) any property operated and maintained by the United States Postal Service.

''§ 624. Inventory and database

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this subchapter, the Administrator shall establish and maintain a single, comprehensive, and descriptive database of all real property under the custody and control of all Federal agencies.

''(b) CONTENTS.—The database shall include—

''(1) information provided to the Administrator under section 524(a)(11)(B); and

''(2) a list of property disposals completed, including—

''(A) the date and disposal method used for each property;

''(B) the proceeds obtained from the disposal of each property;

''(C) the amount of time required to dispose of the property, including the date on which the property is designated as excess property;

''(D) the date on which the property is designated as surplus property and the date on which the property is disposed; and

''(E) all costs associated with the disposal.

''(c) ACCESSIBILITY.—

''(1) COMMITTEES.—The database established under subsection (a) shall be made available on request to the Committee on Homeland Security and Governmental Affairs and the Committee on Environment and Public Works of the Senate and the Committee on Oversight and Government Reform and the Committee on Transportation and Infrastructure of the House of Representatives.

''(2) GENERAL PUBLIC.—Not later than 3 years after the date of enactment of this subchapter and to the extent consistent with national security, the Administrator shall make the database established under subsection (a) accessible to the public at no cost through the website of the General Services Administration.

''(d) EXCLUSIONS.—In this section, surplus property shall not include—

''(1) any military installation (as defined in section 2910 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note; Public Law 101–510));

''(2) any property that is excepted from the definition of the term 'property' under section 102;

''(3) Indian and native Eskimo property held in trust by the Federal Government as described in section 3301(a)(5)(C)(iii);

''(4) real property operated and maintained by the Tennessee Valley Authority pursuant to the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.);

''(5) any real property the Director excludes for reasons of national security;

''(6) any public lands (as defined in section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722)) administered by—

''(A) the Secretary of the Interior, acting through—

''(i) the Director of the Bureau of Land Management;

''(ii) the Director of the National Park Service;

''(iii) the Commissioner of Reclamation; or

''(iv) the Director of the United States Fish and Wildlife Service; or

''(B) the Secretary of Agriculture, acting through the Chief of the Forest Service; or

''(7) any property operated and maintained by the United States Postal Service.

''§ 625. Information on certain leasing authorities

''(a) IN GENERAL.—Except as provided in subsection (b), not later than December 31 of each year following the date of enactment of this subchapter, a Federal agency with independent leasing authority shall submit to the Council a list of all leases, including operating leases, in effect on the date of enactment of this subchapter that includes—

''(1) the date on which each lease was executed;

''(2) the date on which each lease will expire;

''(3) a description of the size of the space;

''(4) the location of the property;

''(5) the tenant agency;

''(6) the total annual rental payment; and

''(7) the amount of the net present value of the total estimated legal obligations of the Federal Government over the life of the contract.

''(b) EXCEPTION.—Subsection (a) shall not apply to—

''(1) the United States Postal Service; or

''(2) any other property the President excludes from subsection (a) for reasons of national security.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 5 of subtitle I of title 40, United States Code, is amended by inserting after the item relating to section 611 the following:

''SUBCHAPTER VII—PROPERTY MANAGEMENT

''Sec. 621. Definitions.
''Sec. 622. Collocation among United States Postal Service properties.
''Sec. 623. Establishment of a Federal Property Council.
''Sec. 624. Inventory and database.
''Sec. 625. Information on certain leasing authorities.''.

(2) TECHNICAL AMENDMENT.—Section 102 of title 40, United States Code, is amended in

the matter preceding paragraph (1) by striking ''The'' and inserting ''Except as provided in subchapters VII and VIII of chapter 5 of this title, the''.

SEC. 2954. UNITED STATES POSTAL SERVICE PROPERTY MANAGEMENT.

(a) IN GENERAL.—Chapter 5 of subtitle I of title 40, United States Code, as amended by section 2953, is amended by adding at the end the following:

''Subchapter VIII—United States Postal Service Property Management

''§ 641. Definitions

''In this subchapter:

''(1) EXCESS PROPERTY.—The term 'excess property' means any postal property that the Postal Service determines is not required to meet the needs or responsibilities of the Postal Service.

''(2) POSTAL PROPERTY.—The term 'postal property' means any property owned or leased by, or under the control of, the Postal Service.

''(3) POSTAL SERVICE.—The term 'Postal Service' means the United States Postal Service.

''(4) UNDERUTILIZED PROPERTY.—The term 'underutilized property' means a portion or the entirety of any real property, including any improvements, that is used—

''(A) irregularly or intermittently by the Postal Service for program purposes of the Postal Service; or

''(B) for program purposes that can be satisfied only with a portion of the property.

''§ 642. United States Postal Service property management

''(a) IN GENERAL.—The Postal Service—

''(1) shall maintain adequate inventory controls and accountability systems for postal property;

''(2) shall develop current and future workforce projections so as to have the capacity to assess the needs of the Postal Service workforce regarding the use of property;

''(3) may develop a 5-year management template that—

''(A) establishes goals and policies that will lead to the reduction of excess property and underutilized property in the inventory of the Postal Service;

''(B) adopts workplace practices, configurations, and management techniques that can achieve increased levels of productivity and decrease the need for real property assets;

''(C) assesses leased space to identify space that is not fully used or occupied;

''(D) develops recommendations on how to address excess capacity at Postal Service facilities without negatively impacting mail delivery; and

''(E) develops recommendations on ensuring the security of mail processing operations; and

''(4) if the Postal Service develops a template under paragraph (3), shall, as part of that template, on a regular basis—

''(A) conduct an inventory of postal property that is real property; and

''(B) create a report that covers each property identified under subparagraph (A), similar to the 'USPS Owned Facilities Report' and the 'USPS Leased Facilities Report', that includes—

''(i) the date on which the Postal Service first occupied the property;

''(ii) the size of the property in square footage and acreage;

''(iii) the geographical location of the property, including an address and description;

''(iv) the extent to which the property is being utilized;

''(v) the actual annual operating costs associated with the property;

''(vi) the total cost of capital expenditures associated with the property;

''(vii) the number of postal employees, contractor employees, and functions housed at the property;

''(viii) the extent to which the mission of the Postal Service is dependent on the property; and

''(ix) the estimated amount of capital expenditures projected to maintain and operate the property over each of the next 5 years after the date of enactment of this subchapter.

''(b) RULE OF CONSTRUCTION.—Nothing in subsection (a)(4)(B) shall be construed to require the Postal Service to obtain an appraisal of postal property.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of subtitle I of title 40, United States Code, as amended by section 3, is amended by inserting after the item relating to section 626 the following:

''SUBCHAPTER VIII—UNITED STATES POSTAL SERVICE PROPERTY MANAGEMENT

''Sec. 641. Definitions.

''Sec. 642. United States Postal Service property management.''.

SEC. 2955. AGENCY RETENTION OF PROCEEDS.

Section 571 of title 40, United States Code, is amended to read as follows:

''§ 571. General rules for deposit and use of proceeds

''(a) PROCEEDS FROM TRANSFER OR SALE OF REAL PROPERTY.—

''(1) DEPOSIT OF NET PROCEEDS.—Except as otherwise provided by Federal law, net proceeds described in subsection (d) shall be deposited into the appropriate account of the agency that had custody and accountability for the property at the time the property is determined to be excess.

''(2) EXPENDITURE OF NET PROCEEDS.—The net proceeds deposited pursuant to paragraph (1) may only be expended as authorized in annual appropriations Acts, for—

''(A) activities described in sections 543 and 545, including paying costs incurred by the General Services Administration for any disposal-related activity authorized by this title; and

''(B) activities pursuant to implementation of the Federal Buildings Personnel Training Act of 2010 (40 U.S.C. 581 note; Public Law 111–308).

''(3) DEFICIT REDUCTION.—Any net proceeds described in subsection (d) from the sale, lease, or other disposition of surplus real property that are not expended under paragraph (2) shall be used for deficit reduction.

''(b) EFFECT ON OTHER SECTIONS.—Nothing in this section is intended to affect section 572(b), 573, or 574.

''(c) DISPOSAL AGENCY FOR REVERTED PROPERTY.—For the purposes of this section, for any property that reverts to the United States under sections 550 and 553, the General Services Administration, as the disposal agency, shall be treated as the agency with custody and accountability for the property at the time the property is determined to be excess.

''(d) NET PROCEEDS.—The net proceeds described in this subsection are proceeds under this chapter, less expenses of the transfer or disposition as provided in section 572(a), from—

''(1) a transfer of excess real property to a Federal agency for agency use; or

''(2) a sale, lease, or other disposition of surplus real property.

''(e) PROCEEDS FROM TRANSFER OR SALE OF PERSONAL PROPERTY.—

''(1) IN GENERAL.—Except as otherwise provided in this subchapter, proceeds described in paragraph (2) shall be deposited in the Treasury as miscellaneous receipts.

''(2) PROCEEDS.—The proceeds described in this paragraph are proceeds under this chapter from—

''(A) a transfer of excess personal property to a Federal agency for agency use; or

''(B) a sale, lease, or other disposition of surplus personal property.

''(3) PAYMENT OF EXPENSES OF SALE BEFORE DEPOSIT.—

''(A) IN GENERAL.—Subject to regulations under this subtitle, the expenses of the sale of personal property may be paid from the proceeds of the sale so that only the net proceeds are deposited in the Treasury.

''(B) APPLICATION.—This paragraph applies whether proceeds are deposited as miscellaneous receipts or to the credit of an appropriation as authorized by law.

''(f) SAVINGS PROVISION.—Nothing in this section modifies, affects, or repeals any other provision of Federal law directing the use of retained proceeds relating to the sale of the property of an agency.''.

SEC. 2956. INSPECTOR GENERAL REPORT ON UNITED STATES POSTAL SERVICE PROPERTY.

(a) DEFINITION OF EXCESS PROPERTY.—In this section, the term ''excess property'' has the meaning given the term in section 641 of title 40, United States Code, as added by section 2954.

(b) EXCESS PROPERTY REPORT.—Not later than 2 years after the date of enactment of this Act, the Inspector General of the United States Postal Service shall submit to Congress a report that includes—

(1) a survey of excess property held by the United States Postal Service; and

(2) recommendations for repurposing property identified in paragraph (1)—

(A) to—

(i) reduce excess capacity; and

(ii) increase collocation with other Federal agencies; and

(B) without diminishing the ability of the United States Postal Service to meet the service standards established under section 3691 of title 39, United States Code, as in effect on January 1, 2016.

SEC. 2957. REPORTS ON UNITED STATES POSTAL SERVICE FLEET MODERNIZATION.

(a) GAO REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall study and submit to Congress a report on—

(1) the feasibility of the United States Postal Service designing mail delivery vehicles that are equipped for diverse geographic conditions such as travel in rural areas and extreme weather conditions; and

(2) the feasibility and cost of the United States Postal Service integrating the use of collision-averting technology into its vehicle fleet.

(b) POSTAL SERVICE REPORT.—Not later than 1 year after the date of enactment of this Act, the United States Postal Service shall submit to Congress a report that includes—

(1) a review of the efforts of the United States Postal Service relating to fleet replacement and modernization; and

(2) a strategy for carrying out the fleet replacement and lifecycle plan of the United States Postal Service.

SEC. 2958. SURPLUS PROPERTY DONATIONS TO MUSEUMS.

Section 549(c)(3)(B) of title 40, United States Code, is amended by striking clause (vii) and inserting the following:

''(vii) a museum open to the public on a regularly scheduled weekly basis, and the hours of operation are, at a minimum, during normal business hours (as determined by the Administrator);''.

SEC. 2959. DUTIES OF FEDERAL AGENCIES.

(a) IN GENERAL.—Section 524(a) of title 40, United States Code, is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) develop current and future workforce projections so as to have the capacity to assess the needs of the Federal workforce regarding the use of real property;

''(7) establish goals and policies that will lead the executive agency to reduce excess property and underutilized property in the inventory of the executive agency;

''(8) submit to the Federal Property Council an annual report on all excess property that is real property and underutilized property in the inventory of the executive agency, including—

''(A) whether underutilized property can be better utilized, including through collocation with other executive agencies or consolidation with other facilities; and

''(B) the extent to which the executive agency believes that retention of the underutilized property serves the needs of the executive agency;

''(9) adopt workplace practices, configurations, and management techniques that can achieve increased levels of productivity and decrease the need for real property assets;

''(10) assess leased space to identify space that is not fully used or occupied;

''(11) on an annual basis and subject to the guidance of the Federal Property Council—

''(A) conduct an inventory of real property under control of the executive agency; and

''(B) make an assessment of each property, which shall include—

''(i) the age and condition of the property;

''(ii) the size of the property in square footage and acreage;

''(iii) the geographical location of the property, including an address and description;

''(iv) the extent to which the property is being utilized;

''(v) the actual annual operating costs associated with the property;

''(vi) the total cost of capital expenditures incurred by the Federal Government associated with the property;

''(vii) sustainability metrics associated with the property;

''(viii) the number of Federal employees and contractor employees and functions housed at the property;

''(ix) the extent to which the mission of the executive agency is dependent on the property;

''(x) the estimated amount of capital expenditures projected to maintain and operate the property during the 5-year period beginning on the date of enactment of this paragraph; and

''(xi) any additional information required by the Administrator of General Services to carry out section 623; and

''(12) provide to the Federal Property Council and the Administrator of General Services the information described in paragraph (11)(B) to be used for the establishment and maintenance of the database described in section 624.''.

(b) DEFINITION OF EXECUTIVE AGENCY.—Section 524 of title 40, United States Code, is amended by adding at the end the following:

''(c) DEFINITION OF EXECUTIVE AGENCY.—For the purpose of paragraphs (6) through (12) of subsection (a), the term 'executive agency' shall have the meaning given the term 'Federal agency' in section 621.''.

SA 4627. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON THE AIR FORCE STRATEGIC BASING PROCESS.

(a) REPORT REQUIRED.—Not later 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees an interim report on the suitability and effectiveness of the Air Force's strategic basing process, with a final report to follow not later than 270 days after the date of the enactment of this Act.

(b) ELEMENTS.—The report under subsection (a) shall include a description and assessment of each of the following:

(1) Effectiveness and alignment of the strategic basing process with Air Force strategy and objectives.

(2) Authoritativeness, transparency, consistency, and auditability of the Air Force strategic basing process.

(3) Development of the criteria, basing objectives, policies, programming, planning, and directives used for determining the enterprise-wide review for potential basing actions.

(4) Development of the criteria basing objectives, policies, programming, planning, and directives used for determining candidate bases for potential basing actions.

(5) Integration of risk management into the strategic basing process and communication of risk to stakeholders and Congress.

(6) The decision-making process to arrive at final strategic basing decisions.

(7) Notification, method, timeliness, and transparency of changes to criteria to stakeholders and Congress.

(8) Appropriateness and timeliness of notifications to various stakeholders.

(9) Applicability to the other military departments and Defense agencies.

(10) Other information determined to be appropriate by the Comptroller General.

SA 4628. Ms. KLOBUCHAR (for herself, Mr. TILLIS, Mr. ROUNDS, Mrs. GILLIBRAND, and Mr. FRANKEN) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. ESTABLISHMENT OF CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF HEALTH CONDITIONS RELATING TO EXPOSURE TO BURN PITS AND OTHER ENVIRONMENTAL EXPOSURES.

(a) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 7330B. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits and other environmental exposures

''(a) ESTABLISHMENT.—(1) The Secretary shall establish within the Department a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits and other environmental exposures to carry out the responsibilities specified in subsection (d).

''(2) The Secretary shall establish the center of excellence under paragraph (1) through the use of—

''(A) the directives and policies of the Department in effect as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017;

''(B) the recommendations of the Comptroller General of the United States and Inspector General of the Department in effect as of such date; and

''(C) guidance issued by the Secretary of Defense under section 313 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 1074 note).

''(b) SELECTION OF SITE.—In selecting the site for the center of excellence established under subsection (a), the Secretary shall consider entities that—

''(1) are equipped with the specialized equipment needed to study, diagnose, and treat health conditions relating to exposure to burn pits and other environmental exposures;

''(2) have a track record of publishing information relating to post-deployment health exposures among veterans who served in the Armed Forces in support of Operation Iraqi Freedom and Operation Enduring Freedom;

''(3) have access to animal models and in vitro models of dust immunology and lung injury consistent with the injuries of members of the Armed Forces who served in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

''(4) have expertise in allergy, immunology, and pulmonary diseases.

''(c) COLLABORATION.—The Secretary shall ensure that the center of excellence collaborates, to the maximum extent practicable, with the Secretary of Defense, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (d).

''(d) RESPONSIBILITIES.—The center of excellence shall have the following responsibilities:

''(1) To provide for the development, testing, and dissemination within the Department of best practices for the treatment of health conditions relating to exposure to burn pits and other environmental exposures.

''(2) To provide guidance for the health systems of the Department and the Department of Defense in determining the personnel required to provide quality health care for members of the Armed Forces and veterans with health conditions relating to exposure to burn pits and other environmental exposures.

''(3) To establish, implement, and oversee a comprehensive program to train health professionals of the Department and the Department of Defense in the treatment of health conditions relating to exposure to burn pits and other environmental exposures.

''(4) To facilitate advancements in the study of the short-term and long-term effects of exposure to burn pits and other environmental exposures.

''(5) To disseminate within medical facilities of the Department best practices for training health professionals with respect to health conditions relating to exposure to burn pits and other environmental exposures.

''(6) To conduct basic science and translational research on health conditions relating to exposure to burn pits and other

environmental exposures for the purposes of understanding the etiology of such conditions and developing preventive interventions and new treatments.

''(7) To provide medical treatment to veterans diagnosed with medical conditions specific to exposure to burn pits and other environmental exposures.

''(e) USE OF BURN PITS REGISTRY DATA.—In carrying out its responsibilities under subsection (d), the center shall have access to and make use of the data accumulated by the burn pits registry established under section 201 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

''(f) DEFINITIONS.—In this section:

''(1) The term 'burn pit' means an area of land located in Afghanistan or Iraq that—

''(A) is designated by the Secretary of Defense to be used for disposing solid waste by burning in the outdoor air; and

''(B) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.

''(2) The term 'other environmental exposures' means exposure to environmental hazards, including burn pits, dust or sand, hazardous materials, and waste at any site in Afghanistan or Iraq that emits smoke containing pollutants present in the environment or smoke from fires or explosions.

''(g) FUNDING.—(1) There is authorized to be appropriated to carry out this section $30,000,000 for each of the first five fiscal years beginning after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017.

''(2)(A) The Secretary may award additional amounts on a competitive basis to the center of excellence from the medical and prosthetics research account of the Department for the purpose of conducting research under this section.

''(B) The Secretary shall give priority in the award of amounts under subparagraph (A) to research on multiple sclerosis and other neurodegenerative disorders.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by inserting after the item relating to section 7330A the following new item:

''7330B. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits and other environmental exposures.''.

SA 4629. Mr. RUBIO (for himself, Mr. COCHRAN, Mr. WARNER, Mr. INHOFE, Mr. HATCH, Mr. MORAN, Mrs. SHAHEEN, Mr. NELSON, Mr. HOEVEN, Mr. LEE, Mr. KING, Mr. THUNE, Ms. AYOTTE, Mrs. FISCHER, Mr. BURR, Mr. CARDIN, Ms. COLLINS, Mr. KAINE, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 844, strike subsection (e).

SA 4630. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. COLLABORATION BETWEEN FEDERAL AVIATION ADMINISTRATION AND DEPARTMENT OF DEFENSE ON UNMANNED AIRCRAFT SYSTEMS.

(a) COLLABORATION BETWEEN FEDERAL AVIATION ADMINISTRATION IN DEPARTMENT OF DEFENSE REQUIRED.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration and the Secretary of Defense shall collaborate on developing standards, policies, and procedures for sense and avoid capabilities for unmanned aircraft systems.

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

(A) Sharing information and technology on safely integrating unmanned aircraft systems and manned aircraft in the national airspace system.

(B) Building upon Air Force and Department of Defense experience to inform the Federal Aviation Administration's development of civil standards, policies, and procedures for integrating unmanned aircraft systems in the national airspace system.

(C) Assisting in the development of best practices for unmanned aircraft airworthiness certification, development of airborne and ground-based sense and avoid capabilities for unmanned aircraft systems, and research and development on unmanned aircraft systems, especially with respect to matters involving human factors, information assurance, and security.

(b) PARTICIPATION BY FEDERAL AVIATION ADMINISTRATION IN DEPARTMENT OF DEFENSE ACTIVITIES.—

(1) IN GENERAL.—The Administrator may participate and provide assistance for participation in test and evaluation efforts of the Department of Defense, including the Air Force, relating to ground-based sense and avoid and airborne sense and avoid capabilities for unmanned aircraft systems.

(2) PARTICIPATION THROUGH CENTERS OF EXCELLENCE AND TEST SITES.—Participation under paragraph (1) may include provision of assistance through the Unmanned Aircraft Systems Center of Excellence and Unmanned Aircraft Systems Test Sites.

(c) UNMANNED AIRCRAFT SYSTEM DEFINED.—In this section, the term ''unmanned aircraft system'' has the meaning given that term in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

SA 4631. Mr. PETERS submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In the funding table in section 4101, in the item relating to Hi Mob Multi-Purp Whld Veh (HMMWV), strike the amount in the Senate authorized column and insert ''26,000''.

In the funding table in section 4101, in the item relating to Total Other Procurement, Army, strike the amount in the Senate authorized column and insert ''5,567,063''.

In the funding table in section 4101, in the item relating to Total Procurement, strike the amount in the Senate authorized column and insert ''102,439,976''.

In the funding table in section 4301, in the item for Operation & Maintenance, Navy relating to Enterprise Information, strike the amount in the Senate authorized column and insert ''731,385''.

In the funding table in section 4301, in the item relating to Total Operation & Maintenance, Navy, strike the amount in the Senate authorized column and insert ''39,394,291''.

In the funding table in section 4301, in the item relating to Total Operation & Maintenance, strike the amount in the Senate authorized column and insert ''171,384,798''.

SA 4632. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 111.

SA 4633. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. FEDERAL LAW ENFORCEMENT OFFICER SELF-DEFENSE AND PROTECTION.

(a) SHORT TITLE.—This section may be cited as the ''Federal Law Enforcement Self-Defense and Protection Act of 2016''.

(b) FINDINGS.—Congress finds the following:

(1) Too often, Federal law enforcement officers encounter potentially violent criminals, placing officers in danger of grave physical harm.

(2) In 2012 alone, 1,857 Federal law enforcement officers were assaulted, with 206 sustaining serious injuries.

(3) From 2008 through 2011, an additional 8,587 Federal law enforcement officers were assaulted.

(4) Federal law enforcement officers remain a target even when they are off-duty. Over the past 3 years, 27 law enforcement officers have been killed off-duty.

(5) It is essential that law enforcement officers are able to defend themselves, so they can carry out their critical missions and ensure their own personal safety and the safety of their families whether on-duty or off-duty.

(6) These dangers to law enforcement officers continue to exist during a covered furlough.

(c) DEFINITIONS.—In this section—

(1) the term ''agency'' means each authority of the executive, legislative, or judicial branch of the Government of the United States;

(2) the term ''covered Federal law enforcement officer'' means any individual who—

(A) is an employee of an agency;

(B) has the authority to make arrests or apprehensions for, or prosecute, violations of Federal law; and

(C) on the day before the date on which the applicable covered furlough begins, is authorized by the agency employing the individual to carry a firearm in the course of official duties;

(3) the term ''covered furlough'' means a planned event by an agency during which employees are involuntarily furloughed due to downsizing, reduced funding, lack of work, or any budget situation including a lapse in appropriations; and

(4) the term ''firearm'' has the meaning given that term in section 921 of title 18, United States Code.

(d) PROTECTING FEDERAL LAW ENFORCEMENT OFFICERS WHO ARE SUBJECTED TO A COVERED FURLOUGH.—During a covered furlough, a covered Federal law enforcement officer shall have the same rights to carry a firearm issued by the Federal Government as if the covered furlough was not in effect, including, if authorized on the day before the date on which the covered furlough begins, the right to carry a concealed firearm, if the sole reason the covered Federal law enforcement officer was placed on leave was due to the covered furlough.

(e) COMPENSATION FOR FEDERAL EMPLOYEES AFFECTED BY A LAPSE IN APPROPRIATIONS.—Section 1341 of title 31, United States Code, is amended—

(1) in subsection (a)(1), by striking ''An officer'' and inserting ''Except as specified in this subchapter or any other provision of law, an officer''; and

(2) by adding at the end the following:

''(c)(1) In this subsection—

''(A) the term 'covered lapse in appropriations' means a lapse in appropriations that begins on or after October 1, 2016; and

''(B) the term 'excepted employee' means an excepted employee or an employee performing emergency work, as such terms are defined by the Office of Personnel Management.

''(2) Each Federal employee furloughed as a result of a covered lapse in appropriations shall be paid for the period of the lapse in appropriations, and each excepted employee who is required to perform work during a covered lapse in appropriations shall be paid for such work, at the employee's standard rate of pay at the earliest date possible after the lapse in appropriations ends, regardless of scheduled pay dates.

''(3) During a covered lapse in appropriations, each excepted employee who is required to perform work shall be entitled to use leave under chapter 63 of title 5, or any other applicable law governing the use of leave by the excepted employee, for which compensation shall be paid at the earliest date possible after the lapse in appropriations ends, regardless of scheduled pay dates.''.

SA 4634. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 306. COMPLIANCE OF MILITARY HOUSING WATER SUPPLIES WITH FEDERAL AND STATE DRINKING WATER STANDARDS.

(a) STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a study to determine whether members of the Armed Forces and their families who live in military housing in the United States have access to water that complies with Federal and State drinking water standards and guidance, including health advisory levels.

(b) COMPLIANCE MEASURES.—If the Secretary finds that water available to members of the Armed Forces and their families who live in military housing does not meet State or Federal drinking water standards and guidance, including health advisory levels, the Secretary shall—

(1) in the case of military housing serviced by Department of Defense-controlled water supply systems, take immediate steps to bring noncompliant water sources into compliance with State and Federal standards and guidance, including health advisory levels, and in the case of military housing serviced by non-Department of Defense-controlled water supply systems, work with the municipal or private water system to take immediate steps to bring noncompliant water sources into compliance with State and Federal standards and guidance, including health advisory levels; and

(2) within 30 days of discovering that a water source does not meet State or Federal drinking water standards and guidance, including health advisory levels, provide to the Committees on Armed Services of the Senate and the House of Representatives and the congressional delegation of the affected State written verification describing the noncompliant water sources, including the location of all affected members of the Armed Forces, and an explanation about how the Secretary will bring the water source into compliance with State and Federal standards and guidance, including health advisory levels.

SA 4635. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 829K. PREFERENCE FOR POTENTIAL DEFENSE CONTRACTORS THAT CARRY OUT CERTAIN STEM-RELATED ACTIVITIES.

(a) IN GENERAL.—In evaluating offers submitted in response to a solicitation for contracts, the Secretary of Defense shall provide a preference to any offeror that—

(1) establishes or enhances undergraduate, graduate, and doctoral programs in science, technology, engineering, and mathematics (in this section referred to as ''STEM'' disciplines);

(2) makes investments, such as programming and curriculum development, in STEM programs within elementary and secondary schools, including those that support the needs of military children;

(3) encourages employees to volunteer in schools eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) in order to enhance STEM education and programs;

(4) makes personnel available to advise and assist faculty at colleges and universities in the performance of STEM research and disciplines critical to the functions of the Department of Defense;

(5) establishes partnerships between the offeror and historically Black colleges and universities (HBCUs) and other minority-serving institutions for the purpose of training students in scientific disciplines;

(6) awards scholarships and fellowships, and establishes cooperative work-education programs in scientific disciplines;

(7) attracts and retains faculty involved in scientific disciplines critical to the functions of the Department of Defense;

(8) conducts recruitment activities at universities and community colleges, including HBCUs, or offers internships or apprenticeships; or

(9) establishes programs and outreach efforts to strengthen STEM.

(b) CONSIDERATION OF EVALUATION FACTORS AND EFFECT ON SMALL BUSINESS CONCERNS.—In prescribing regulations to carry out this section, the Secretary of Defense shall ensure that all award decisions are based on evaluation factors and significant subfactors that are tailored to the acquisition, and that small business concerns are not unduly adversely affected.

SA 4636. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. ESTABLISHMENT OF VETERANS CHOICE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Subchapter I of chapter 17 of title 38, United States Code, is amended by inserting after section 1703 the following new section:

''§ 1703A. Veterans Choice Program

''(a) PROGRAM.—

''(1) FURNISHING OF CARE.—

''(A) IN GENERAL.—Subject to the availability of appropriations provided for such purpose, hospital care and medical services under this chapter may be furnished to an eligible veteran described in subsection (b), at the election of such veteran, through contracts authorized under subsection (d), or any other law administered by the Secretary, with entities specified in subparagraph (B) for the furnishing of such care and services to veterans. The furnishing of hospital care and medical services under this section may be referred to as the 'Veterans Choice Program'.

''(B) ENTITIES SPECIFIED.—The entities specified in this subparagraph are the following:

''(i) Any health care provider that is participating in the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), including any physician furnishing services under such program.

''(ii) Any Federally-qualified health center (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

''(iii) The Department of Defense.

''(iv) The Indian Health Service.

''(v) Any health care provider not otherwise covered under any of clauses (i) through (iv) that meets criteria established by the Secretary for purposes of this section.

''(2) CHOICE OF PROVIDER.—An eligible veteran who makes an election under subsection (c) to receive hospital care or medical services under this section may select a provider

of such care or services from among the entities specified in paragraph (1)(B) that are accessible to the veteran.

''(3) COORDINATION OF CARE AND SERVICES.—The Secretary shall coordinate, through the Non-VA Care Coordination Program of the Department, the furnishing of care and services under this section to eligible veterans, including by ensuring that an eligible veteran receives an appointment for such care and services within the wait-time goals of the Veterans Health Administration for the furnishing of hospital care and medical services.

''(b) ELIGIBLE VETERANS.—A veteran is an eligible veteran for purposes of this section if—

''(1) the veteran is enrolled in the patient enrollment system of the Department established and operated under section 1705 of this title; and

''(2)(A) the veteran is unable to schedule an appointment for the receipt of hospital care or medical services from a health care provider of the Department within the lesser of—

''(i) the wait-time goals of the Veterans Health Administration for such care or services; or

''(ii) a period determined by a health care provider of the Department to be clinically necessary for the receipt of such care or services;

''(B) the veteran does not reside within 40 miles driving distance from a medical facility of the Department, including a community-based outpatient clinic, with a full-time primary care physician;

''(C) the veteran—

''(i) resides in a State without a medical facility of the Department that provides—

''(I) hospital care;

''(II) emergency medical services; and

''(III) surgical care rated by the Secretary as having a surgical complexity of standard; and

''(ii) does not reside within 20 miles driving distance from a medical facility of the Department described in clause (i);

''(D) the veteran faces an unusual or excessive burden in accessing hospital care or medical services from a medical facility of the Department that is within 40 miles driving distance from the residence of the veteran due to—

''(i) geographical challenges;

''(ii) environmental factors, such as roads that are not accessible to the general public, traffic, or hazardous weather;

''(iii) a medical condition of the veteran that affects the ability to travel; or

''(iv) such other factors as determined by the Secretary;

''(E) the veteran resides in a location, other than a location in Guam, American Samoa, or the Republic of the Philippines, that requires the veteran to travel by air, boat, or ferry to reach a medical facility of the Department, including a community-based outpatient clinic;

''(F) the veteran is enrolled in the pilot program under section 403 of the Veterans' Mental Health and Other Care Improvements Act of 2008 (Public Law 110–387; 38 U.S.C. 1703 note) as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017; or

''(G) there is a compelling reason, as determined by the Secretary, that the veteran needs to receive hospital care or medical services from a medical facility other than a medical facility of the Department.

''(c) ELECTION AND AUTHORIZATION.—

''(1) IN GENERAL.—In the case of an eligible veteran described in subsection (b)(2)(A), the Secretary shall, at the election of the veteran—

''(A) provide the veteran an appointment that exceeds the wait-time goals described in such subsection or place such veteran on an electronic waiting list described in paragraph (2) for an appointment for hospital care or medical services the veteran has elected to receive under this section; or

''(B)(i) authorize that such care or services be furnished to the eligible veteran under this section; and

''(ii) notify the eligible veteran by the most effective means available, including electronic communication or notification in writing, describing the care or services the eligible veteran is eligible to receive under this section.

''(2) ELECTRONIC WAITING LIST.—The electronic waiting list described in this paragraph shall be maintained by the Department and allow access by each eligible veteran via www.myhealth.va.gov or any successor website (or other digital channel) for the following purposes:

''(A) To determine the place of such eligible veteran on the waiting list.

''(B) To determine the average length of time an individual spends on the waiting list, disaggregated by medical facility of the Department and type of care or service needed, for purposes of allowing such eligible veteran to make an informed election under paragraph (1).

''(d) CARE AND SERVICES THROUGH CONTRACTS.—

''(1) CONTRACTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) and subject to the availability of appropriations provided for such purpose, the Secretary may enter into contracts for furnishing care and services to eligible veterans under this section with entities specified in subsection (a)(1)(B).

''(B) OTHER PROCESSES.—Before entering into a contract under this paragraph, the Secretary shall, to the maximum extent practicable and consistent with the requirements of this section, furnish such care and services to such veterans under this section with such entities pursuant to sharing agreements, existing contracts entered into by the Secretary, or other processes available at medical facilities of the Department.

''(C) TREATMENT OF CONTRACTS.—A contract entered into under this paragraph may not be treated as a Federal contract for the acquisition of goods or services and is not subject to any provision of law governing Federal contracts for the acquisition of goods or services.

''(D) CONTRACT DEFINED.—In this paragraph, the term 'contract' has the meaning given that term in subpart 2.101 of the Federal Acquisition Regulation.

''(2) RATES AND REIMBURSEMENT.—

''(A) IN GENERAL.—In entering into a contract under paragraph (1) with an entity specified in subsection (a)(1)(B), the Secretary shall—

''(i) negotiate rates for the furnishing of care and services under this section; and

''(ii) reimburse the entity for such care and services at the rates negotiated under clause (i) as provided in such contract.

''(B) LIMIT ON RATES.—

''(i) IN GENERAL.—Except as provided in clause (ii), rates negotiated under subparagraph (A)(i) shall not be more than the rates paid by the United States to a provider of services (as defined in section 1861(u) of the Social Security Act (42 U.S.C. 1395x(u))) or a supplier (as defined in section 1861(d) of such Act (42 U.S.C. 1395x(d))) under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for the same care or services.

''(ii) EXCEPTIONS.—

''(I) IN GENERAL.—The Secretary may negotiate a rate that is more than the rate paid by the United States as described in clause (i) with respect to the furnishing of care or services under this section to an eligible veteran who resides in a highly rural area.

''(II) OTHER EXCEPTIONS.—

''(aa) ALASKA.—With respect to furnishing care or services under this section in Alaska, the Alaska Fee Schedule of the Department of Veterans Affairs will be followed, except for when another payment agreement, including a contract or provider agreement, is in place.

''(bb) OTHER STATES.—With respect to care or services furnished under this section in a State with an All-Payer Model Agreement in effect under section 1814 of the Social Security Act (42 U.S.C. 1395f), the Medicare payment rates under clause (i) shall be calculated based on the payment rates under such agreement.

''(III) HIGHLY RURAL AREA DEFINED.—In this clause, the term 'highly rural area' means an area located in a county that has fewer than seven individuals residing in that county per square mile.

''(C) LIMIT ON COLLECTION.—For the furnishing of care or services pursuant to a contract under paragraph (1), an entity specified in subsection (a)(1)(B) may not collect any amount that is greater than the rate negotiated pursuant to subparagraph (A)(i).

''(e) VETERANS CHOICE CARD.—

''(1) IN GENERAL.—For purposes of receiving care and services under this section, the Secretary shall issue to each veteran described in subsection (b)(1) a card that may be presented to a health care provider to facilitate the receipt of care or services under this section.

''(2) NAME OF CARD.—Each card issued under paragraph (1) shall be known as a 'Veterans Choice Card'.

''(3) DETAILS OF CARD.—Each Veterans Choice Card issued to a veteran under paragraph (1) shall include the following:

''(A) The name of the veteran.

''(B) An identification number for the veteran that is not the social security number of the veteran.

''(C) The contact information of an appropriate office of the Department for health care providers to confirm that care or services under this section are authorized for the veteran.

''(D) Contact information and other relevant information for the submittal of claims or bills for the furnishing of care or services under this section.

''(E) The following statement: 'This card is for qualifying medical care outside the Department of Veterans Affairs. Please call the Department of Veterans Affairs phone number specified on this card to ensure that treatment has been authorized.'.

''(4) INFORMATION ON USE OF CARD.—Upon issuing a Veterans Choice Card to a veteran, the Secretary shall provide the veteran with information clearly stating the circumstances under which the veteran may be eligible for care or services under this section.

''(f) INFORMATION ON AVAILABILITY OF CARE.—The Secretary shall provide information to a veteran about the availability of care and services under this section in the following circumstances:

''(1) When the veteran enrolls in the patient enrollment system of the Department established and operated under section 1705 of this title.

''(2) When the veteran attempts to schedule an appointment for the receipt of hospital care or medical services from the Department but is unable to schedule an appointment within the wait-time goals of the Veterans Health Administration for the furnishing of such care or services.

''(3) When the veteran becomes eligible for hospital care or medical services under this section under subparagraph (B), (C), (D), (E), (F), or (G) of subsection (b)(2).

''(g) FOLLOW-UP CARE.—The Secretary shall ensure that, at the election of an eligible veteran who receives hospital care or medical services from a health care provider in an episode of care under this section, the veteran receives such care or services from that health care provider or another health care provider selected by the veteran, including a health care provider of the Department, through the completion of the episode of care, including all specialty and ancillary services deemed necessary as part of the treatment recommended in the course of such care or services.

''(h) PROVIDERS.—To be eligible to furnish care or services under this section, a health care provider must—

''(1) maintain at least the same or similar credentials and licenses as those credentials and licenses that are required of health care providers of the Department, as determined by the Secretary for purposes of this section; and

''(2) submit, not less frequently than annually, verification of such licenses and credentials maintained by such health care provider.

''(i) COST-SHARING.—

''(1) IN GENERAL.—The Secretary shall require an eligible veteran to pay a copayment for the receipt of care or services under this section only if such eligible veteran would be required to pay a copayment for the receipt of such care or services at a medical facility of the Department or from a health care provider of the Department under this chapter.

''(2) LIMITATION.—The amount of a copayment charged under paragraph (1) may not exceed the amount of the copayment that would be payable by such eligible veteran for the receipt of such care or services at a medical facility of the Department or from a health care provider of the Department under this chapter.

''(j) CLAIMS PROCESSING SYSTEM.—

''(1) IN GENERAL.—The Secretary shall provide for an efficient nationwide system for prompt processing and paying of bills or claims for authorized care and services furnished to eligible veterans under this section.

''(2) OVERSIGHT.—The Chief Business Office of the Veterans Health Administration shall oversee the implementation and maintenance of such system.

''(3) ACCURACY OF PAYMENT.—

''(A) IN GENERAL.—The Secretary shall ensure that such system meets such goals for accuracy of payment as the Secretary shall specify for purposes of this section.

''(B) QUARTERLY REPORT.—

''(i) IN GENERAL.—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 quarterly report on the accuracy of such system.

''(ii) ELEMENTS.—Each report required by clause (i) shall include the following:

''(I) A description of the goals for accuracy for such system specified by the Secretary under subparagraph (A).

''(II) An assessment of the success of the Department in meeting such goals during the quarter covered by the report.

''(iii) DEADLINE.—The Secretary shall submit each report required by clause (i) not later than 20 days after the end of the quarter covered by the report.

''(k) MEDICAL RECORDS.—

''(1) IN GENERAL.—The Secretary shall ensure that any health care provider that furnishes care or services under this section to an eligible veteran submits to the Department a copy of any medical record related to the care or services provided to such veteran by such health care provider for inclusion in the electronic medical record of such veteran maintained by the Department upon the completion of the provision of such care or services to such veteran.

''(2) ELECTRONIC FORMAT.—Any medical record submitted to the Department under paragraph (1) shall, to the extent possible, be in an electronic format.

''(l) RECORDS NOT REQUIRED FOR REIMBURSEMENT.—With respect to care or services furnished to an eligible veteran by a health care provider under this section, the receipt by the Department of a medical record under subsection (k) detailing such care or services is not required before reimbursing the health care provider for such care or services.

''(m) TRACKING OF MISSED APPOINTMENTS.—The Secretary shall implement a mechanism to track any missed appointments for care or services under this section by eligible veterans to ensure that the Department does not pay for such care or services that were not furnished to an eligible veteran.

''(n) RULES OF CONSTRUCTION.—

''(1) PRESCRIPTION MEDICATIONS.—Nothing in this section shall be construed to alter the process of the Department for filling and paying for prescription medications.

''(2) TIERED NETWORK.—Nothing in this section shall be construed to authorize the creation of a tiered network in which an eligible veteran would be required to receive care or services from an entity in a higher tier than any other entity or provider network.

''(o) WAIT-TIME GOALS OF THE VETERANS HEALTH ADMINISTRATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), in this section, the term 'wait-time goals of the Veterans Health Administration' means not more than 30 days from the date on which a veteran requests an appointment for hospital care or medical services from the Department.

''(2) ALTERNATE GOALS.—If the Secretary submits to Congress, not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, a report stating that the actual wait-time goals of the Veterans Health Administration are different from the wait-time goals specified in paragraph (1)—

''(A) for purposes of this section, the wait-time goals of the Veterans Health Administration shall be the wait-time goals submitted by the Secretary under this paragraph; and

''(B) the Secretary shall publish such wait-time goals in the Federal Register and on an Internet website of the Department available to the public.

''(p) WAIVER OF CERTAIN PRINTING REQUIREMENTS.—Section 501 of title 44 shall not apply in carrying out this section.

''(q) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,500,000,000.

''(r) TERMINATION.—The Secretary may not furnish hospital care or medical services under this section after January 31, 2019.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1703 the following new item:

''1703A. Veterans Choice Program.''.

(3) SOURCE OF AMOUNTS.—All amounts required to carry out section 1703A of title 38, United States Code, as added by paragraph (1), shall be derived from the appropriations account described in section 4003 of the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 (Public Law 114–41; 38 U.S.C. 1701 note).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SA 4637. Ms. HIRONO (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 249, between lines 12 and 13, insert the following:

(a) REPORT ON MILITARY COMPENSATION PACKAGE.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the full array of the military compensation package, including—

(A) the adequacy of Regular Military Compensation to sustain all aspects of the All-Volunteer Force;

(B) the modernization of the military retirement system to be accomplished by part I of subtitle D of title VI of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 842);

(C) indirect compensation that accrues by reason of military service, including commissary and exchange benefits, child care, health care, military life insurance, education benefits, and veterans benefits;

(D) the value of providing greater transparency to members of the Armed Forces, prospective members of the Armed Forces, and the public by providing an annual statement to members of the total value of their military compensation packing, including the value of the compensation described in subparagraph (C);

(E) the impacts of the matters in subparagraphs (A) through (D) on recruitment, retention, and compensation of the All-Volunteer Force.

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

(A) A review of all the components of Regular Military Compensation, defined by the Department of Defense as the following:

(i) Basic pay.

(ii) Basic allowance for housing.

(iii) Basic allowance for subsistence

(iv) The tax treatment of pay and allowances.

(B) An analysis of Regular Military Compensation with respect to the following:

(i) Members of the Armed Forces who are married to other members.

(ii) Members who reside with other members.

(iii) Members who share accommodations to achieve improved financial standards.

(C) A review of—

(i) the ability of members to contribute toward military retirement under the modernized military retirement system described in paragraph (1)(B), including a review of the pay and allowances required to contribute under the current Regular Military Compensation structure and under any proposed changes to Regular Military Compensation; and

(ii) the adequacy of the modernized system to contribute to the successful recruitment and retention of individual to and in military service.

(D) A review of indirect compensation, including commissary and exchange benefits, child care, health care, Servicemembers'

Group Life Insurance (SGLI), education benefits, and veterans benefits, and the manner in which such compensation impacts the total military compensation package.

(E) A robust analysis of, and a proposal for reform of, the personal statement of military compensation issued annually to each member, including its accuracy, its currency with current and proposed changes to military compensation, and a requirement for the clear statement of both ''Total Direct Compensation'' and ''Service-Estimated Indirect Compensation''.

(F) An assessment of the adequacy of Regular Military Compensation, the modernized military retirement system, and indirect compensation for the recruitment and retention of the All-Volunteer Force (including the readiness and combat effectiveness of the Force) and for overall military compensation.

(G) A review and assessment of any other matters the Secretary considers appropriate to produce recommendations on the means by which to best recruit, retain, and reward the All-Volunteer Force with a competitive compensation and benefits package.

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

(4) SURVEYS.—Each annual status of forces survey conducted by the Defense Manpower Data Center (DMDC) after fiscal year 2017 shall include questions on the value of the total military compensation package, including basic allowance for housing, to members of the Armed Forces, with such questions designed to determine the following:

(A) The value of the total military compensation package to members.

(B) The impact of the current total military compensation package on the retention of members, and on the recruitment of individuals to military service in the All-Volunteer Force.

After section 604, insert the following:

SEC. 604A. DELAY IN EFFECTIVE DATE AND IMPROVEMENT OF REFORM OF BASIC ALLOWANCE FOR HOUSING.

(a) DELAY.—

(1) IN GENERAL.—Notwithstanding any provision of section 403a of title 37, United States Code (as added by section 604(a) of this Act), or subsection (p) of section 403 of title 37, United States Code (as added by section 604(b) of this Act), the reform of basic allowance for housing provided for in such section 403a shall take effect on January 1, 2019.

(2) CONSTRUCTION OF CERTAIN DATES.—Any reference to ''January 1, 2018'' in section 403a of title 37, United States Code (as so added), or subsection (p) of section 403 of title 37, United States Code (as so added), shall be deemed to be a reference to ''January 1, 2019''. Any reference to ''December 31, 2017'' in subsection (m) of such section 403a shall be deemed to be a reference to ''December 31, 2018''.

(b) INCLUSION OF COST UTILITIES IN DETERMINATION OF AMOUNT PAYABLE.—

(1) INCLUSION.—Subsection (b)(2) of section 403a of title 37, United States Code (as so added), is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

''(A) A maximum amount of the allowance shall be established for each military housing area, based on the costs of adequate housing and utilities in such area, for each pay grade and dependency status.

''(B) The amount of the allowance payable to a member may not exceed the lesser of—

''(i) the actual monthly cost of housing of the member plus an amount equal to the estimated average amount paid for utilities in the military housing area concerned during the preceding year; or

''(ii) the maximum amount determined under subparagraph (A) for members in the member's pay grade and dependency status.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act immediately after the coming into effect of the amendment in section 604(a) of this Act adding section 403a of title 37, United States Code, to which section 403a the amendment made by paragraph (1) relates.

SA 4638. Mr. KIRK (for himself, Mr. GRASSLEY, Mrs. ERNST, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 899C. STRATEGY ON REVITALIZING ARMY ORGANIC INDUSTRIAL BASE.

(a) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a strategy on revitalizing the Army Organic Industrial Base (OIB). The strategy should detail the Army's plan to ensure the long-term viability of the Army's Organic Industrial Base.

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

(1) An assessment of Army legacy items sustained by the Defense Logistics Agency.

(2) A description of the use of the OIB to address Diminishing Manufacturing Sources and Material Shortages.

(3) Required critical capabilities across the OIB.

(4) An assessment of infrastructure across the OIB.

(5) An assessment of the OIB and private sector manufacturing sources.

(6) A description of the use of contracting to meet the OIB requirements.

(7) An assessment of current and future workloads across the OIB.

(8) An assessment of processes used to identify critical capabilities for the Army's OIB and methods used to determine workloads.

(9) An assessment of exiting labor rates.

(10) A description of required manufacturing skills needed to sustain readiness.

(11) A description of the use of private and public partnerships.

(12) A description of the use of working capital funds.

(13) An assessment of operating expenses and the ability to reduce or recover those expenses.

(c) DEFINITIONS.—In this section:

(1) LEGACY ITEMS.—The term ''legacy items'' means manufactured items that are no longer produced by the private sector but continue to be used for Department of Defense weapons systems, excluding information technology and information systems (as those terms are defined in section 11101 of title 40, United States Code).

(2) ORGANIC INDUSTRIAL BASE.—The term ''organic industrial base'' means United States military facilities, including arsenals, depots, munition plants and centers, and storage sites, that advance a vital national security interest by producing, maintaining, repairing, and storing the necessary materiel, munitions, and hardware.

SA 4639. Mrs. ERNST (for herself, Mr. MCCAIN, and Mr. CARDIN) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 308 strike line 16 and insert the following:

complies with the requirements of this subsection.

''(4) This subsection does not apply to the furnishing of athletic footwear to the members of the Army, the Navy, the Air Force, or the Marine Corps upon their initial entry into the armed forces, or prohibit the provision of a cash allowance to such members for such purpose, if—

''(A) the Secretary of Defense determines that compliance with paragraph (2) would result in a sole source contract for procurement of athletic footwear for the purpose stated in paragraph (1) because there would be limited qualified or approved sources of supply for such footwear; or

''(B) the Secretary of the military department concerned determines, with respect to members in initial entry and recruit training under the jurisdiction of such Secretary, that providing athletic footwear as otherwise required by this subsection would have the potential to cause unnecessary harm and risk to the safety and wellbeing of members in initial entry training.''.

SA 4640. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. AUTHORIZATION OF CANINE TEAMS FOR PASSENGER SCREENING BY TRANSPORTATION SECURITY ADMINISTRATION.

(a) IN GENERAL.—The Administrator of the Transportation Security Administration may employ 178 passenger screening canine teams over the number of such teams in operation as of the date of the enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Transportation Security Administration for fiscal year 2017 $52,000,000 to carry out subsection (a).

(2) OFFSET.—The Secretary of Homeland Security shall reduce amounts available for fiscal year 2017 for the Office of the Secretary of Homeland Security, the Office of the Under Secretary for Management, the Office of Chief Information Officer, and the Office of the Administrator of Transportation Security Administration on a pro rata basis so that the aggregate amount of such reductions is equal to the amount authorized to be appropriated by paragraph (1).

SA 4641. Mrs. SHAHEEN (for herself, Mr. BURR, and Ms. AYOTTE) submitted

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

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

SEC. 1667. REPORT ON FEASIBILITY AND ADVISABILITY OF TRANSFERRING EXISTING DEVELOPMENTAL CRUISE MISSILE DEFENSE PLATFORMS TO MISSILE DEFENSE AGENCY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that assesses the feasibility and advisability of transferring existing developmental cruise missile defense platforms to the Missile Defense Agency.

(b) LIMITATION ON DEMILITARIZATION.—The Secretary of the Army may not demilitarize any existing developmental cruise missile defense platform until the date that is 30 days after the submission of the report required by subsection (a).

SA 4642. Mr. BOOKER (for himself, Mr. NELSON, Mr. SCHUMER, Mr. MENENDEZ, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. COMPLETION OF OUTSTANDING TRANSPORTATION SECURITY REQUIREMENTS.

(a) FINDINGS.—Congress finds the following:

(1) According to the Inspector General of the Department of Homeland Security, the Transportation Security Administration's failure to complete certain requirements of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53) may diminish the ability of the Transportation Security Agency to strengthen passenger rail security.

(2) The Inspector General of the Department of Homeland Security—

(A) recognizes that voluntary initiatives can assist the Transportation Security Agency in identifying potential security vulnerabilities; and

(B) recommends completing the requirements of the Implementing Recommendations of the 9/11 Commission Act of 2007 to improve passenger rail security.

(b) REQUIRED COMPLETION.—Not later than 6 months after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall, at a minimum, complete sections 1512 and 1517 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1162 and 1167).

SA 4643. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 812 and insert the following:

SEC. 812. MICRO-PURCHASE THRESHOLD APPLICABLE TO GOVERNMENT PROCUREMENTS.

(a) DEPARTMENT OF DEFENSE PROCUREMENTS.—

(1) INCREASED MICRO-PURCHASE THRESHOLD.—

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

"§ 2338. Micro-purchase threshold

''Notwithstanding subsection (a) of section 1902 of title 41, the micro-purchase threshold for the Department of Defense for purposes of such section is $5,000.''.

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

''2338. Micro-purchase threshold.''.

(2) CONFORMING AMENDMENT.—Section 1902(a) of title 41, United States Code, is amended by striking ''For purposes'' and inserting ''Except as provided in section 2338 of title 10, for purposes''.

(b) OTHER PROCUREMENTS.—

(1) INCREASE IN THRESHOLD.—Section 1902 of title 41, United States Code, is amended—

(A) in subsection (a), by striking ''$3,000'' and inserting ''$10,000''; and

(B) in subsections (d) and (e), by striking ''not greater than $3,000'' and inserting ''with a price not greater than the micro-purchase threshold''.

(c) OMB GUIDANCE.—The Director of the Office of Management and Budget shall update the guidance in Circular A–123, Appendix B, as appropriate, to ensure that agencies—

(1) follow sound acquisition practices when making purchases using the Government purchase card; and

(2) maintain internal controls that reduce the risk of fraud, waste, and abuse in Government charge card programs.

(d) CONVENIENCE CHECKS.—A convenience check may not be used for an amount in excess of one half of the micro-purchase threshold under section 1902(a) of title 41, United States Code, or a lower amount set by the head of the agency, and use of convenience checks shall comply with controls prescribed in OMB Circular A–123, Appendix B.

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

SEC. 829K. PILOT PROGRAMS FOR AUTHORITY TO ACQUIRE INNOVATIVE COMMERCIAL ITEMS USING GENERAL SOLICITATION COMPETITIVE PROCEDURES.

(a) AUTHORITY.—

(1) IN GENERAL.—The head of an agency may carry out a pilot program, to be known as a ''commercial solutions opening pilot program'', under which innovative commercial items may be acquired through a competitive selection of proposals resulting from a general solicitation and the peer review of such proposals.

(2) HEAD OF AN AGENCY.—In this section, the term ''head of an agency'' means the following:

(A) The Secretary of Homeland Security.

(B) The Administrator of General Services.

(3) APPLICABILITY OF SECTION.—This section applies to the following agencies:

(A) The Department of Homeland Security.

(B) The General Services Administration.

(b) TREATMENT AS COMPETITIVE PROCEDURES.—Use of general solicitation competitive procedures for the pilot program under subsection (a) shall be considered, in the case of the Department of Homeland Security and the General Services Administration, to be use of competitive procedures for purposes division C of title 41, United States Code (as defined in section 152 of such title).

(c) LIMITATION.—The head of an agency may not enter into a contract under the pilot program for an amount in excess of $10,000,000.

(d) GUIDANCE.—The head of an agency shall issue guidance for the implementation of the pilot program under this section within that agency. Such guidance shall be issued in consultation with the Office of Management and Budget and shall be posted for access by the public.

(e) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than three years after the date of the enactment of this Act, the head of an agency shall submit to the congressional committees specified in paragraph (3) a report on the activities the agency carried out under the pilot program.

(2) ELEMENTS OF REPORT.—Each report under this subsection shall include the following:

(A) An assessment of the impact of the pilot program on competition.

(B) A comparison of acquisition timelines for—

(i) procurements made using the pilot program; and

(ii) procurements made using other competitive procedures that do not use general solicitations.

(C) A recommendation on whether the authority for the pilot program should be made permanent.

(3) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees specified in this paragraph are the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(f) INNOVATIVE DEFINED.—In this section, the term ''innovative'' means—

(1) any new technology, process, or method, including research and development; or

(2) any new application of an existing technology, process, or method.

(g) TERMINATION.—The authority to enter into a contract under a pilot program under this section terminates on September 30, 2022.

SEC. 829L. INCREASE IN SIMPLIFIED ACQUISITION THRESHOLD.

(a) CIVILIAN CONTRACTS.—Section 134 of title 41, United States Code, is amended by striking ''$100,000'' and inserting ''$500,000''.

(b) DEFENSE CONTRACTS.—Section 2302a(a) of title 10, United States Code, is amended by striking ''as specified in section 134 of title 41'' and inserting ''$150,000''.

(c) HOMELAND SECURITY CONTRACTS.—Section 604(f) of the American Recovery and Reinvestment Act of 2009 (6 U.S.C. 453b(f)) is amended by striking ''the simplified acquisition threshold referred to in section 2304(g) of title 10, United States Code'' and inserting ''$150,000''.

SEC. 829M. INNOVATION SET ASIDE PILOT PROGRAM.

(a) IN GENERAL.—The Director of the Office of Management and Budget may, in consultation with the Administrator of the Small Business Administration, conduct a pilot program to increase the participation of new, innovative entities in Federal contracting through the use of innovation set-asides.

(b) AUTHORITY.—(1) Notwithstanding the competition requirements in chapter 33 of title 41, United States Code, and the set-aside requirements in section 15 of the Small

Business Act (15 U.S.C. 644), a Federal agency other than the Department of Defense, with the concurrence of the Director, may set aside a contract award to one or more new entrant contractors. The Director shall consult with the Administrator prior to providing concurrence.

(2) Notwithstanding any law addressing compliance requirements for Federal contracts—

(A) except as provided in subparagraph (B), a contract award to a new entrant contractor under the pilot program shall be subject to the same relief afforded under section 1905 of title 41, United States Code, to contracts the value of which is not greater than the simplified acquisition threshold; and

(B) for up to five pilots, the Director may authorize an agency to make an award to a new entrant contractor subject to the same compliance requirements that apply to a contractor receiving an award from the Secretary of Defense under section 2371 of title 10 United States Code.

(c) CONDITIONS FOR USE.—The authority provided in subsection (b) may be used under the following conditions:

(1)(A) The agency has a requirement for new methods, processes, or technologies, which may include research and development, or new applications of existing methods, processes or technologies, to improve quality, reduce costs, or both; or

(B) Based on market research, the agency has determined that the requirement cannot be easily provided through an existing Federal contract;

(2) The agency intends either to make an award to a small business concern or to give special consideration to a small business concern before making an award to other than a small business; and

(3) The length of the resulting contract will not exceed 2 years.

(d) NUMBER OF PILOTS.—The Director may authorize the use of up to 25 innovation set-asides acquisitions.

(e) AWARD AMOUNT.—

(1) Except as provided in paragraph (2), the amount of an award under the pilot program under this section may not exceed $2,000,000 (including any options).

(2) The Director may authorize not more than 5 set-asides with an award amount greater than $2,000,000 but not greater than $5,000,000 (including any options).

(f) GUIDANCE AND REPORTING.—

(1) The Director shall issue guidance, as necessary, to implement the pilot program under this section.

(2) Within 3 years after the date of the enactment of this Act, the Director, in consultation with the Administrator shall submit to Congress a report on the pilot program under this section. The report shall include the following:

(A) The number of awards (or orders under the Schedule) made under the authority of this section.

(B) For each award (or order)—

(i) the agency that made the award (or order);

(ii) the amount of the award (or order); and

(iii) a brief description of the award (or order), including the nature of the requirement and the innovation produced from the award (or expected if contract performance is not completed).

(g) SUNSET.—The authority to award an innovation set-aside under this section shall terminate on December 31, 2020.

(h) DEFINITION.—For purposes of this section, the term ''new entrant contractor'', with respect to any contract under the program, means an entity that has not been awarded a Federal contract within the 5-year period ending on the date on which a solicitation for that contract is issued under the program.

SEC. 829N. OTHER TRANSACTION AUTHORITY FOR DEPARTMENT OF HOMELAND SECURITY.

Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking ''Until September 30, 2016,'' and inserting ''Until September 30, 2021,''; and

(2) in subsection (c)(1), by striking ''September 30, 2016,'' and inserting ''September 30, 2021,''.

SA 4644. Ms. WARREN submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 565. INFORMATION REGARDING EDUCATIONAL BENEFITS FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, as amended by section 563 of this Act, is further amended by inserting after section 2012a the following new section:

''§ 2012b. Information regarding educational benefits for members of the armed forces

''(a) WEBSITE REGARDING EDUCATIONAL BENEFITS FOR MEMBERS OF THE ARMED FORCES.—

''(1) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of Education, the Secretary of Veterans Affairs, and the Secretary of Homeland Security, shall create a revised and updated searchable Internet website that—

''(A) contains information, in simple and understandable terms, about all Federal and State student financial assistance, readmission requirements under section 484C of the Higher Education Act of 1965 (20 U.S.C. 1091c), and other student services, for which members of the armed forces (including members of the National Guard and Reserves), veterans, and the dependents of such members or veterans may be eligible; and

''(B) is easily accessible through the Internet website described in section 131(e)(3) of the Higher Education Act of 1965 (20 U.S.C. 1015(e)(3)).

''(2) IMPLEMENTATION.—Not later than 1 year after the date of enactment of the National Defense Authorization Act for Fiscal Year 2017, the Secretary of Defense shall make publicly available the revised and updated Internet website described in paragraph (1).

''(3) DISSEMINATION.—The Secretary of Defense, in coordination with the Secretary of Education and the Secretary of Veterans Affairs, shall make the availability of the Internet website described in paragraph (1) widely known to members of the armed forces (including members of the National Guard and Reserves), veterans, the dependents of such members or veterans, States, institutions of higher education, and the general public.

''(4) DEFINITION.—In this subsection, the term 'Federal and State student financial assistance' means any grant, loan, work assistance, tuition assistance, scholarship, fellowship, or other form of financial aid for pursuing a postsecondary education that is—

''(A) administered, sponsored, or supported by the Department of Defense, the Department of Education, the Department of Veterans Affairs, or a State; and

''(B) available to members of the armed forces (including members of the National Guard and Reserves), veterans, or the dependents of such members or veterans.

''(b) ENROLLMENT FORM FOR BENEFITS FOR MEMBERS OF THE ARMED FORCES.—

''(1) IN GENERAL.—The Secretary of Defense, in consultation with the Director of the Bureau of Consumer Financial Protection, the Secretary of Education, and the heads of any other relevant Federal agencies, shall create a simplified disclosure and enrollment form for borrowers who are performing military service.

''(2) CONTENTS.—The disclosure and enrollment form described in paragraph (1) shall include—

''(A) information about the benefits and protections under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) and under the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.) that are available to such borrower because the borrower is performing military service; and

''(B) an opportunity for the borrower, by completing the enrollment form, to invoke certain protections, activate certain benefits, and enroll in certain programs that may be available to that borrower, which shall include the opportunity—

''(i) to invoke applicable protections that are available under the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.), as such protections relate to Federal student loans under parts 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.); and

''(ii) to activate or enroll in any other applicable benefits that are available to such borrower under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) because the borrower is performing military service, such as eligibility for a deferment or eligibility for a period during which interest shall not accrue.

''(3) IMPLEMENTATION.—Not later than 1 year after the date of enactment of the National Defense Authorization Act for Fiscal Year 2017, the Secretary of Defense, in consultation with the Secretary of Education, shall make the disclosure and enrollment form described in paragraph (1) available to—

''(A) lenders of loans made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

''(B) institutions of higher education eligible to participate in any program under title IV of such Act (20 U.S.C. 1070 et seq.); and

''(C) personnel at the Department of Education, the Bureau of Consumer Financial Protection, and other Federal agencies that provide services to borrowers who are members of the armed forces or the dependents of such members.

''(4) NOTICE REQUIREMENTS.—

''(A) SCRA INTEREST RATE LIMITATION.—The completion of the disclosure and enrollment form created pursuant to paragraph (1) by the borrower of a loan made, insured, or guaranteed under part B or part D of title IV of Higher Education Act of 1965 who is otherwise subject to the interest rate limitation in subsection (a) of section 207 of the Servicemembers Civil Relief Act (50 U.S.C. 3937(a)) and submittal of such form to the Secretary of Defense shall be considered, for purposes of such section, provision to the creditor of written notice as described in subsection (b)(1) of such section.

''(B) FFEL LENDERS.—The Secretary of Defense, in consultation with the Secretary of Education, shall provide each such disclosure and enrollment form completed and submitted by a borrower of a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C.

1071 et seq.) who is otherwise subject to the interest rate limitation in subsection (a) of section 207 of the Servicemembers Civil Relief Act (50 U.S.C. 3937(a)) to any applicable eligible lender under such part B so as to satisfy the provision to the lender of written notice as described in subsection (b)(1) of such section 207.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title, as amended by section 563 of this Act, is further amended by inserting after the item relating to section 2012a the following new item:

''2012a. Information regarding educational benefits for members of the armed forces.''.

SA 4645. Ms. WARREN (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 565. IMPLEMENTATION OF STUDENT LOAN BORROWER BENEFITS FOR MEMBERS OF THE ARMED FORCES SERVING IN A CONFLICT.

(a) IN GENERAL.—The Secretary of Defense shall enter into any necessary agreements, with the Secretary of Education and the heads of any other relevant agencies, in order to take all actions necessary to—

(1) ensure that interest does not accrue for eligible military borrowers in accordance with section 455(o) of the Higher Education Act of 1965 (20 U.S.C. 1087e(o)), for any loan made under part D of title IV of such Act and disbursed on or after October 1, 2008;

(2) ensure that any borrower of such a loan who was an eligible military borrower and qualified for the no accrual of interest benefit under such section 455(o) during any period beginning on or after October 1, 2008, and did not receive the full benefit under such section for which the borrower qualified, is provided compensation in an amount equal to the amount of interest paid by the borrower that would have been subject to the benefit;

(3) ensure that any borrower who is eligible for a waiver or modification provided by the Secretary of Education under the authority of section 2(a) of the Higher Education Relief Opportunities for Students Act of 2003 (20 U.S.C. 1098bb) is provided such waiver or modification (including through automatic enrollment to the extent practicable and beneficial to the borrower), including waivers from income certifications required under an income-based repayment program under section 493C of the Higher Education Act of 1965 (20 U.S.C. 1098e) or other similar certifications;

(4) ensure that any borrower with a Federal Perkins Loan under part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087aa et seq.) receives a cancellation of the percentage of debt based on years of qualifying service in accordance with section 465(a)(2)(D) of such Act (20 U.S.C. 1087ee(a)(2)(D)); and

(5) obtain or provide any information securely and as necessary to implement this section without requiring a request from the borrower, including information regarding—

(A) whether a military borrower is serving on active duty in connection with a war, national emergency, or contingency operation and, if so, the time period of such service; and

(B) whether a military borrower is receiving special pay under section 310 of title 37, United States Code, and if so, the time period of such service.

(b) REPORTS.—

(1) PLAN.—Not later than 60 days after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Education, shall prepare and submit to the appropriate committees of Congress a report on the implementation of subsection (a).

(2) FOLLOW-UP REPORT.—If the Secretary of Defense has not implemented subsection (a) during the 90-day period beginning on the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Education, shall prepare and submit, by the final day of such period, a report to the appropriate committees of Congress that includes an explanation of why such subsection has not been implemented.

SEC. 566. IMPLEMENTATION OF SCRA INTEREST RATE LIMITATION FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—The Secretary of Defense shall provide to the Secretary of Education and any other relevant agencies the necessary information as to the duty status of military borrowers to provide that the interest rate charged on any loan made under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) for borrowers who are subject to section 207(a)(1) of the Servicemembers Civil Relief Act (50 U.S.C. 3937(a)(1)) does not exceed the maximum interest rate set forth in such section.

(b) SCRA INTEREST RATE LIMITATION NOTICE REQUIREMENTS.—The submittal by the Secretary of Defense to the Secretary of Education of information that informs the Secretary of Education that a member of the Armed Forces with a student loan under part D of title IV of Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) has been or is being called to military service (as defined in section 101 of the Servicemembers Civil Relief Act (50 U.S.C. 3911)), including a member of a reserve unit who is ordered to report for military service as provided for under section 106 of such Act (50 U.S.C. 3917), shall be considered, for purposes of subjecting such student loan to the provisions of section 207 of the Servicemembers Civil Relief Act (50 U.S.C. 3937), provision by the borrower to the creditor of written notice and a copy of military orders as described in subsection (b)(1) of such section.

(c) REPORTS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Education, shall prepare and submit to the appropriate committees of Congress a report that includes a plan to implement the interest rate limitation provision described in subsection (a).

SA 4646. Mrs. FEINSTEIN (for herself, Mr. LEE, Mr. PAUL, Mr. UDALL, Mr. CRUZ, Mr. WHITEHOUSE, Mr. COONS, Ms. COLLINS, and Mr. HEINRICH) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1031. PROHIBITION ON THE INDEFINITE DETENTION OF CITIZENS AND LAWFUL PERMANENT RESIDENTS.

Section 4001 of title 18, United States Code, is amended—

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

''(a) No citizen or lawful permanent resident of the United States shall be imprisoned or otherwise detained by the United States except consistent with the Constitution and pursuant to an Act of Congress that expressly authorizes such imprisonment or detention.'';

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

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

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

''(2) Paragraph (1) applies to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017.

''(3) This section shall not be construed to authorize the imprisonment or detention of a citizen of the United States, a lawful permanent resident of the United States, or any other person who is apprehended in the United States.''.

SA 4647. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 1036 and 1037 and insert the following:

SEC. 1036. COMPETITIVE PROCUREMENT AND PHASE OUT OF ROCKET ENGINES FROM THE RUSSIAN FEDERATION IN THE EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM FOR SPACE LAUNCH OF NATIONAL SECURITY SATELLITES.

(a) IN GENERAL.—Any competition for a contract for the provision of launch services for the evolved expendable launch vehicle program shall be open for award to all certified providers of evolved expendable launch vehicle-class systems.

(b) AWARD OF CONTRACTS.—In awarding a contract under subsection (a), the Secretary of Defense—

(1) subject to paragraph (2), shall award the contract to the provider of launch services that offers the best value to the Federal Government; and

(2) notwithstanding any other provision of law, may, during the period beginning on the date of the enactment of this Act and ending on December 31, 2022, award the contract to a provider of launch services that intends to use any certified launch vehicle in its inventory without regard to the country of origin of the rocket engine that will be used on that launch vehicle, in order to ensure robust competition and continued assured access to space.

SA 4648. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for

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

At the end, add the following:

This Act shall become effective 3 days after enactment.

SA 4649. Mr. KIRK (for himself, Mr. MANCHIN, Mr. CARDIN, Mr. SCHUMER, Mr. PORTMAN, Mr. RUBIO, Ms. MURKOWSKI, Mr. TILLIS, Mr. VITTER, Mr. HATCH, Mr. CRUZ, Mr. MENENDEZ, Mr. ROBERTS, Mr. CORNYN, Mr. NELSON, Mr. WYDEN, and Mr. MARKEY) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle I—Matters Relating to Israel

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ''Combating BDS Act of 2016''.

SEC. 1282. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM ENTITIES THAT ENGAGE IN CERTAIN BOYCOTT, DIVESTMENT, OR SANCTIONS ACTIVITIES TARGETING ISRAEL.

(a) AUTHORITY TO DIVEST.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the requirements of subsection (b) to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in—

(1) an entity that the State or local government determines, using credible information available to the public, knowingly engages in a commerce-related or investment-related boycott, divestment, or sanctions activity targeting Israel;

(2) a successor entity or subunit of an entity described in paragraph (1); or

(3) an entity that owns or controls, is owned or controlled by, or is under common ownership or control with, an entity described in paragraph (1).

(b) REQUIREMENTS.—A State or local government that seeks to adopt or enforce a measure under subsection (a) shall meet the following requirements:

(1) NOTICE.—The State or local government shall provide written notice to each entity to which a measure under subsection (a) is to be applied.

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

(3) OPPORTUNITY FOR HEARING.—The State or local government shall provide an opportunity to comment in writing to each entity to which a measure is to be applied. If the entity demonstrates to the State or local government that the entity has not engaged in a commerce-related or investment-related boycott, divestment, or sanctions activity targeting Israel, the measure shall not apply to the entity.

(4) SENSE OF CONGRESS ON AVOIDING ERRONEOUS TARGETING.—It is the sense of Congress that a State or local government should not adopt a measure under subsection (a) with respect to an entity unless the State or local government has made every effort to avoid erroneously targeting the entity and has verified that the entity engages in a commerce-related or investment-related boycott, divestment, or sanctions activity targeting Israel.

(c) NOTICE TO DEPARTMENT OF JUSTICE.—Not later than 30 days after adopting a measure pursuant to subsection (a), a State or local government shall submit written notice to the Attorney General describing the measure.

(d) NONPREEMPTION.—A measure of a State or local government authorized under subsection (a) is not preempted by any Federal law.

(e) EFFECTIVE DATE.—This section applies to any measure adopted by a State or local government before, on, or after the date of the enactment of this Act.

(f) RULE OF CONSTRUCTION.—

(1) AUTHORITY OF STATES.—Nothing in this section shall be construed to abridge the authority of a State to issue and enforce rules governing the safety, soundness, and solvency of a financial institution subject to its jurisdiction or the business of insurance pursuant to the Act of March 9, 1945 (59 Stat. 33, chapter 20; 15 U.S.C. 1011 et seq.) (commonly known as the ''McCarran-Ferguson Act'').

(2) POLICY OF THE UNITED STATES.—Nothing in this section shall be construed to alter the established policy of the United States concerning final status issues associated with the Arab-Israeli conflict, including border delineation, that can only be resolved through direct negotiations between the parties.

(g) DEFINITIONS.—In this section:

(1) ASSETS.—

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

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

(2) BOYCOTT, DIVESTMENT, OR SANCTIONS ACTIVITY TARGETING ISRAEL.—The term ''boycott, divestment, or sanctions activity targeting Israel'' means any activity that is intended to penalize, inflict economic harm on, or otherwise limit commercial relations with Israel or persons doing business in Israel or in Israeli-controlled territories for purposes of coercing political action by, or imposing policy positions on, the Government of Israel.

(3) ENTITY.—The term ''entity'' includes—

(A) any corporation, company, business association, partnership, or trust; and

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))).

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

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

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

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

(5) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(6) STATE OR LOCAL GOVERNMENT.—The term ''State or local government'' includes—

(A) any State and any agency or instrumentality thereof;

(B) any local government within a State and any agency or instrumentality thereof; and

(C) any other governmental instrumentality of a State or locality.

SEC. 1283. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.

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

(1) in subparagraph (A), by striking ''; or'' and inserting a semicolon;

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

(3) by adding at the end the following:

''(C) engage in any boycott, divestment, or sanctions activity targeting Israel described in section 1282 of the Combating BDS Act of 2016.''.

SA 4650. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. MODIFICATION OF LIMITATIONS ON PROCUREMENT OF PHOTOVOLTAIC DEVICES BY THE DEPARTMENT OF DEFENSE.

Section 846(b)(2) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2534 note; Public Law 111–383) is amended—

(1) by striking ''exclusive'' and inserting ''principal''; and

(2) by striking ''full''.

SA 4651. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

This Act shall be in effect 4 days after enactment.

SA 4652. Mr. SCOTT submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 582. INFORMATION ON MILITARY STUDENT PERFORMANCE.

Section 574(b)(3) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (20 U.S.C. 7703b note) is amended by adding at the end the following: ''The plan for outreach shall include annual updates of

the most recent information, disaggregated for each State, local educational agency, and school, available from the State and local report cards required under section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(ii)) regarding—

''(A) the number of public elementary school and secondary school students with a parent who is a member of the Armed Forces (as defined in section 101(a)(4) of title 10, United States Code) on active duty (as defined in section 101(d)(5) of such title); and

''(B) the achievement by such students for each level of achievement, as determined by the State, on the academic assessments described in section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)).''.

SA 4653. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 1, strike ''4'' and insert ''3''.

SA 4654. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 1, strike ''3'' and insert ''2''.

SA 4655. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1227. ASSESSMENT OF INADEQUACIES IN INTERNATIONAL MONITORING AND VERIFICATION WITH RESPECT TO IRAN'S NUCLEAR PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall, in conjuction with the Secretary of Energy and the heads and other officials of related agencies, submit to Congress a joint assessment report detailing existing inadequacies in the international monitoring and verification system, including the extent to which such inadequacies relate to the findings and recommendations pertaining to verification shortcomings identified within—

(1) the September 26, 2006, Government Accountability Office report entitled, ''Nuclear Nonproliferation: IAEA Has Strengthened Its Safeguards and Nuclear Security Programs, but Weaknesses Need to Be Addressed'';

(2) the May 16, 2013, Government Accountability Office report entitled, ''IAEA Has Made Progress in Implementing Critical Programs but Continues to Face Challenges'';

(3) the Defense Science Board Study entitled, ''Task Force on the Assessment of Nuclear Treaty Monitoring and Verification Technologies'';

(4) the report of the International Atomic Energy Agency (in this section referred to as the ''IAEA'') entitled, ''The Safeguards System of the International Atomic Energy Agency'' and the IAEA Safeguards Statement for 2010;

(5) the IAEA Safeguards Overview: Comprehensive Safeguards Agreements and Additional Protocols;

(6) the IAEA Model Additional Protocol;

(7) the IAEA February 2015 Director General Report to the Board of Governors; and

(8) other related reports on Iranian safeguard challenges.

(b) RECOMMENDATIONS.—The joint assessment report required by subsection (a) shall include recommendations based upon the reports referenced in that subsection, including recommendations to overcome inadequacies or develop an improved monitoring framework and recommendations related to the following matters:

(1) The nuclear program of Iran.

(2) Development of a plan for—

(A) the long-term operation and funding of increased activities of the IAEA and relevant agencies in order to maintain the necessary level of oversight with respect to Iran's nuclear program;

(B) resolving all issues of past and present concern with the IAEA, including possible military dimensions of Iran's nuclear program; and

(C) giving IAEA inspectors access to personnel, documents, and facilities involved, at any point, with nuclear or nuclear weapons-related activities of Iran.

(3) A potential national strategy and implementation plan supported by a planning and assessment team aimed at cutting across agency boundaries or limitations that affect the ability to draw conclusions, with absolute assurance, about whether Iran is developing a clandestine nuclear weapons program.

(4) The limitations of IAEA actors.

(5) Challenges in the region that may be too large to anticipate under applicable treaties or agreements or the national technical means monitoring regimes alone.

(6) Continuation of sanctions with respect to the Government of Iran and Iranian persons and Iran's proxies for—

(A) ongoing abuses of human rights;

(B) actions in support of the regime of Bashar al-Assad in Syria;

(C) procurement, sale, or transfer of technology, services, or goods that support the development or acquisition of weapons of mass destruction or the means of delivery of those weapons; and

(D) continuing sponsorship of international terrorism.

(c) FORM OF REPORT.—The joint assessment report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) PRESIDENTIAL CERTIFICATION.—Not later than 60 days after the joint assessment report is submitted under subsection (a), the President shall certify to Congress that the President has reviewed the report, including the recommendations contained therein, and has taken available actions to address existing gaps within the monitoring and verification framework, including identified potential funding needs to address necessary requirements.

SA 4656. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION F—VETERANS MATTERS

TITLE LXIV—VETERANS CHOICE PROGRAM

SEC. 6401. ESTABLISHMENT OF VETERANS CHOICE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Subchapter I of chapter 17 of title 38, United States Code, is amended by inserting after section 1703 the following new section:

''§ 1703A. Veterans Choice Program

''(a) PROGRAM.—

''(1) FURNISHING OF CARE.—Hospital care and medical services under this chapter shall be furnished to an eligible veteran described in subsection (b), at the election of such veteran, through contracts authorized under subsection (e), or any other law administered by the Secretary, with eligible providers described in subsection (c) for the furnishing of such care and services to veterans. The furnishing of hospital care and medical services under this section may be referred to as the 'Veterans Choice Program'.

''(2) COORDINATION OF CARE AND SERVICES.—The Secretary shall coordinate, through the Non-VA Care Coordination Program of the Department, the furnishing of care and services under this section to eligible veterans, including by ensuring that an eligible veteran receives an appointment for such care and services within the wait-time goals of the Veterans Health Administration for the furnishing of hospital care and medical services.

''(b) ELIGIBLE VETERANS.—A veteran is an eligible veteran for purposes of this section if—

''(1) the veteran is enrolled in the patient enrollment system of the Department established and operated under section 1705 of this title; and

''(2)(A) the veteran is unable to schedule an appointment for the receipt of hospital care or medical services from a health care provider of the Department within the lesser of—

''(i) the wait-time goals of the Veterans Health Administration for such care or services; or

''(ii) a period determined by a health care provider of the Department to be clinically necessary for the receipt of such care or services;

''(B) the veteran does not reside within 40 miles driving distance from a medical facility of the Department, including a community-based outpatient clinic, with a full-time primary care physician;

''(C) the veteran—

''(i) resides in a State without a medical facility of the Department that provides—

''(I) hospital care;

''(II) emergency medical services; and

''(III) surgical care rated by the Secretary as having a surgical complexity of standard; and

''(ii) does not reside within 20 miles driving distance from a medical facility of the Department described in clause (i);

''(D) the veteran faces an unusual or excessive burden in accessing hospital care or medical services from a medical facility of the Department that is within 40 miles driving distance from the residence of the veteran due to—

''(i) geographical challenges;

''(ii) environmental factors, such as roads that are not accessible to the general public, traffic, or hazardous weather;

''(iii) a medical condition of the veteran that affects the ability to travel; or

''(iv) such other factors as determined by the Secretary;

''(E) the veteran resides in a location, other than a location in Guam, American Samoa, or the Republic of the Philippines, that requires the veteran to travel by air, boat, or ferry to reach a medical facility of the Department, including a community-based outpatient clinic;

''(F) the veteran is enrolled in the pilot program under section 403 of the Veterans' Mental Health and Other Care Improvements Act of 2008 (Public Law 110–387; 38 U.S.C. 1703 note) as of the date on which such pilot program terminates under such section; or

''(G) there is a compelling reason, as determined by the Secretary, that the veteran needs to receive hospital care or medical services from a medical facility other than a medical facility of the Department.

''(c) ELIGIBLE PROVIDERS.—

''(1) IN GENERAL.—A health care provider is an eligible provider for purposes of this section if the health care provider is a health care provider specified in paragraph (2) and meets standards established by the Secretary for purposes of this section, including standards relating to education, certification, licensure, training, and employment history.

''(2) HEALTH CARE PROVIDERS SPECIFIED.—The health care providers specified in this paragraph are the following:

''(A) Any health care provider that is participating in the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), including any physician furnishing services under such program.

''(B) Any health care provider of a Federally-qualified health center (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

''(C) Any health care provider of the Department of Defense.

''(D) Any health care provider of the Indian Health Service.

''(E) Any health care provider of an academic affiliate of the Department of Veterans Affairs.

''(F) Any health care provider of a health system established to serve Alaska Natives.

''(G) Any other health care provider that meets criteria established by the Secretary for purposes of this section.

''(3) CHOICE OF PROVIDER.—An eligible veteran who makes an election under subsection (d) to receive hospital care or medical services under this section may select a provider of such care or services from among the health care providers specified in paragraph (2) that are accessible to the veteran.

''(4) ELIGIBILITY.—To be eligible to furnish care or services under this section, a health care provider must—

''(A) maintain at least the same or similar credentials and licenses as those credentials and licenses that are required of health care providers of the Department, as determined by the Secretary for purposes of this section; and

''(B) submit, not less frequently than annually, verification of such licenses and credentials maintained by such health care provider.

''(5) TIERED NETWORK.—

''(A) IN GENERAL.—To promote the provision of high-quality and high-value health care under this section, the Secretary may develop a tiered provider network of eligible providers based on criteria established by the Secretary for purposes of this section.

''(B) EXCEPTION.—In developing a tiered provider network of eligible providers under subparagraph (A), the Secretary may not prioritize providers in a tier over providers in any other tier in a manner that limits the choice of an eligible veteran in selecting an eligible provider under this section.

''(6) ALASKA NATIVE DEFINED.—In this subsection, the term 'Alaska Native' means a person who is a member of any Native village, Village Corporation, or Regional Corporation, as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

''(d) ELECTION AND AUTHORIZATION.—

''(1) IN GENERAL.—In the case of an eligible veteran described in subsection (b)(2)(A), the Secretary shall, at the election of the veteran—

''(A) provide the veteran an appointment that exceeds the wait-time goals described in such subsection or place such veteran on an electronic waiting list described in paragraph (2) for an appointment for hospital care or medical services the veteran has elected to receive under this section; or

''(B)(i) authorize that such care or services be furnished to the eligible veteran under this section; and

''(ii) notify the eligible veteran by the most effective means available, including electronic communication or notification in writing, describing the care or services the eligible veteran is eligible to receive under this section.

''(2) ELECTRONIC WAITING LIST.—The electronic waiting list described in this paragraph shall be maintained by the Department and allow access by each eligible veteran via www.myhealth.va.gov or any successor website (or other digital channel) for the following purposes:

''(A) To determine the place of such eligible veteran on the waiting list.

''(B) To determine the average length of time an individual spends on the waiting list, disaggregated by medical facility of the Department and type of care or service needed, for purposes of allowing such eligible veteran to make an informed election under paragraph (1).

''(e) CARE AND SERVICES THROUGH CONTRACTS.—

''(1) CONTRACTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall enter into contracts with eligible providers for furnishing care and services to eligible veterans under this section.

''(B) OTHER PROCESSES.—Before entering into a contract under this paragraph, the Secretary shall, to the maximum extent practicable and consistent with the requirements of this section, furnish such care and services to eligible veterans under this section with eligible providers pursuant to sharing agreements, existing contracts entered into by the Secretary, or other processes available at medical facilities of the Department.

''(C) CONTRACT DEFINED.—In this paragraph, the term 'contract' has the meaning given that term in subpart 2.101 of the Federal Acquisition Regulation.

''(2) RATES AND REIMBURSEMENT.—

''(A) IN GENERAL.—In entering into a contract under paragraph (1) with an eligible provider, the Secretary shall—

''(i) negotiate rates for the furnishing of care and services under this section; and

''(ii) reimburse the provider for such care and services at the rates negotiated under clause (i) as provided in such contract.

''(B) LIMIT ON RATES.—

''(i) IN GENERAL.—Except as provided in clause (ii), and to the extent practicable, rates negotiated under subparagraph (A)(i) shall not be more than the rates paid by the United States to a provider of services (as defined in section 1861(u) of the Social Security Act (42 U.S.C. 1395x(u))) or a supplier (as defined in section 1861(d) of such Act (42 U.S.C. 1395x(d))) under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for the same care or services.

''(ii) EXCEPTIONS.—

''(I) IN GENERAL.—The Secretary may negotiate a rate that is more than the rate paid by the United States as described in clause (i) with respect to the furnishing of care or services under this section to an eligible veteran who resides in a highly rural area.

''(II) OTHER EXCEPTIONS.—

''(aa) ALASKA.—With respect to furnishing care or services under this section in Alaska, the Alaska Fee Schedule of the Department shall be followed, except for when another payment agreement, including a contract or provider agreement, is in place, in which case rates for reimbursement shall be set forth under such payment agreement.

''(bb) OTHER STATES.—With respect to care or services furnished under this section in a State with an All-Payer Model Agreement in effect under the Social Security Act (42 U.S.C. 301 et seq.), the Medicare payment rates under clause (i) shall be calculated based on the payment rates under such agreement.

''(III) HIGHLY RURAL AREA DEFINED.—In this clause, the term 'highly rural area' means an area located in a county that has fewer than seven individuals residing in that county per square mile.

''(C) LIMIT ON COLLECTION.—For the furnishing of care or services pursuant to a contract under paragraph (1), an eligible provider may not collect any amount that is greater than the rate negotiated pursuant to subparagraph (A)(i).

''(D) VALUE-BASED REIMBURSEMENT.—In negotiating rates for the furnishing of care and services under this section, the Secretary may incorporate the use of value-based reimbursement models to promote the provision of high-quality care.

''(f) RESPONSIBILITY FOR COSTS OF CERTAIN CARE.—In any case in which an eligible veteran is furnished hospital care or medical services under this section for a non-service-connected disability described in subsection (a)(2) of section 1729 of this title, the Secretary may recover or collect reasonable charges for such care or services from a health-plan contract (as defined in subsection (i) of such section 1729) in accordance with such section 1729.

''(g) VETERANS CHOICE CARD.—

''(1) IN GENERAL.—Except as provided in paragraph (5), for purposes of receiving care and services under this section, the Secretary shall issue to each veteran described in subsection (b)(1) a card that may be presented to a health care provider to facilitate the receipt of care or services under this section.

''(2) NAME OF CARD.—Each card issued under paragraph (1) shall be known as a 'Veterans Choice Card'.

''(3) DETAILS OF CARD.—Each Veterans Choice Card issued to a veteran under paragraph (1) shall include the following:

''(A) The name of the veteran.

''(B) An identification number for the veteran that is not the social security number of the veteran.

''(C) The contact information of an appropriate office of the Department for health care providers to confirm that care or services under this section are authorized for the veteran.

''(D) Contact information and other relevant information for the submittal of claims or bills for the furnishing of care or services under this section.

''(E) The following statement: 'This card is for qualifying medical care outside the Department of Veterans Affairs. Please call the Department of Veterans Affairs phone number specified on this card to ensure that treatment has been authorized.'.

''(4) INFORMATION ON USE OF CARD.—Upon issuing a Veterans Choice Card to a veteran, the Secretary shall provide the veteran with information clearly stating the circumstances under which the veteran may be eligible for care or services under this section.

''(5) PREVIOUS PROGRAM.—A Veterans Choice Card issued under section 101 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note), as in effect on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, shall be sufficient for purposes of receiving care and services under this section and the Secretary is not required to reissue a Veterans Choice Card under paragraph (1) to any veteran that has such a card issued under such section 101.

''(h) INFORMATION ON AVAILABILITY OF CARE.—The Secretary shall provide information to a veteran about the availability of care and services under this section in the following circumstances:

''(1) When the veteran enrolls in the patient enrollment system of the Department established and operated under section 1705 of this title.

''(2) When the veteran attempts to schedule an appointment for the receipt of hospital care or medical services from the Department but is unable to schedule an appointment within the wait-time goals of the Veterans Health Administration for the furnishing of such care or services.

''(3) When the veteran becomes eligible for hospital care or medical services under this section under subparagraph (B), (C), (D), (E), (F), or (G) of subsection (b)(2).

''(i) FOLLOW-UP CARE.—The Secretary shall ensure that, at the election of an eligible veteran who receives hospital care or medical services from an eligible provider in an episode of care under this section, the veteran receives such care or services from that provider or another health care provider selected by the veteran, including a health care provider of the Department, through the completion of the episode of care, including all specialty and ancillary services deemed necessary as part of the treatment recommended in the course of such care or services.

''(j) COST-SHARING.—

''(1) IN GENERAL.—The Secretary shall require an eligible veteran to pay a copayment for the receipt of care or services under this section only if such eligible veteran would be required to pay a copayment for the receipt of such care or services at a medical facility of the Department or from a health care provider of the Department under this chapter.

''(2) LIMITATION.—The amount of a copayment charged under paragraph (1) may not exceed the amount of the copayment that would be payable by such eligible veteran for the receipt of such care or services at a medical facility of the Department or from a health care provider of the Department under this chapter.

''(k) CLAIMS PROCESSING SYSTEM.—

''(1) IN GENERAL.—The Secretary shall provide for an efficient nationwide system for prompt processing and paying of bills or claims for authorized care and services furnished to eligible veterans under this section.

''(2) ACCURACY OF PAYMENT.—

''(A) IN GENERAL.—The Secretary shall ensure that such system meets such goals for accuracy of payment as the Secretary shall specify for purposes of this section.

''(B) ANNUAL REPORT.—

''(i) IN GENERAL.—Not less frequently than annually, 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 on the accuracy of such system.

''(ii) ELEMENTS.—Each report required by clause (i) shall include the following:

''(I) A description of the goals for accuracy for such system specified by the Secretary under subparagraph (A).

''(II) An assessment of the success of the Department in meeting such goals during the year covered by the report.

''(l) DISCLOSURE OF INFORMATION.—For purposes of section 7332(b)(1) of this title, an election by an eligible veteran to receive care or services under this section shall serve as written consent for the disclosure of information to health care providers for purposes of treatment under this section.

''(m) MEDICAL RECORDS.—

''(1) IN GENERAL.—The Secretary shall ensure that any eligible provider that furnishes care or services under this section to an eligible veteran submits to the Department a copy of any medical record related to the care or services provided to such veteran by such provider for inclusion in the electronic medical record of such veteran maintained by the Department upon the completion of the provision of such care or services to such veteran.

''(2) ELECTRONIC FORMAT.—Any medical record submitted to the Department under paragraph (1) shall, to the extent possible, be in an electronic format.

''(n) RECORDS NOT REQUIRED FOR REIMBURSEMENT.—With respect to care or services furnished to an eligible veteran by an eligible provider under this section, the receipt by the Department of a medical record under subsection (m) detailing such care or services is not required before reimbursing the provider for such care or services.

''(o) TRACKING OF MISSED APPOINTMENTS.—The Secretary shall implement a mechanism to track any missed appointments for care or services under this section by eligible veterans to ensure that the Department does not pay for such care or services that were not furnished to an eligible veteran.

''(p) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter the process of the Department for filling and paying for prescription medications.

''(q) WAIT-TIME GOALS OF THE VETERANS HEALTH ADMINISTRATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), in this section, the term 'wait-time goals of the Veterans Health Administration' means not more than 30 days from the date on which a veteran requests an appointment for hospital care or medical services from the Department.

''(2) ALTERNATE GOALS.—If the Secretary submits to Congress a report stating that the actual wait-time goals of the Veterans Health Administration are different from the wait-time goals specified in paragraph (1)—

''(A) for purposes of this section, the wait-time goals of the Veterans Health Administration shall be the wait-time goals submitted by the Secretary under this paragraph; and

''(B) the Secretary shall publish such wait-time goals in the Federal Register and on an Internet website of the Department available to the public.

''(r) WAIVER OF CERTAIN PRINTING REQUIREMENTS.—Section 501 of title 44 shall not apply in carrying out this section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1703 the following new item:

''1703A. Veterans Choice Program.''.

(3) CONFORMING REPEAL OF SUPERSEDED AUTHORITY.—

(A) IN GENERAL.—Section 101 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note) is repealed.

(B) CONFORMING AMENDMENT.—Section 208(1) of such Act is amended by striking ''section 101'' and inserting ''section 1703A of title 38, United States Code''.

(C) EFFECTIVE DATE.—

(i) IN GENERAL.—The amendments made by this paragraph shall take effect on the date on which the Secretary of Veterans Affairs begins implementation of section 1703A of title 38, United States Code as added by paragraph (1).

(ii) PUBLICATION.—The Secretary shall publish the date specified in clause (i) in the Federal Register and on an publicly available Internet website of the Department of Veterans Affairs not later than 30 days before such date.

(4) REPORT.—Not later than one year after the date of the enactment of this Act , the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the furnishing of care and services under section 1703A of title 38, United States Code, as added by paragraph (1), that includes the following:

(A) The total number of veterans who have received care or services under this section, disaggregated by—

(i) eligible veterans described in subsection (b)(2)(A) of such section;

(ii) eligible veterans described in subsection (b)(2)(B) of such section;

(iii) eligible veterans described in subsection (b)(2)(C) of such section;

(iv) eligible veterans described in subsection (b)(2)(D) of such section;

(v) eligible veterans described in subsection (b)(2)(E) of such section;

(vi) eligible veterans described in subsection (b)(2)(F) of such section; and

(vii) eligible veterans described in subsection (b)(2)(G) of such section.

(B) A description of the types of care and services furnished to veterans under such section.

(C) An accounting of the total cost of furnishing care and services to veterans under such section.

(D) The results of a survey of veterans who have received care or services under such section on the satisfaction of such veterans with the care or services received by such veterans under such section.

(E) An assessment of the effect of furnishing care and services under such section on wait times for appointments for the receipt of hospital care and medical services from the Department of Veterans Affairs.

(b) CLASSIFICATION OF SERVICES.—Services provided under the following programs, contracts, and agreements shall be considered services provided under the Veterans Choice Program established under section 1703A of title 38, United States Code, as added by subsection (a)(1):

(1) The Patient-Centered Community Care program (commonly referred to as ''PC3'').

(2) Contracts through the retail pharmacy network of the Department.

(3) Veterans Care Agreements under section 1703C of title 38, United States Code, as added by section 6411(a).

(4) Health care agreements with Federal entities or entities funded by the Federal Government, including the Department of Defense, the Indian Health Service, tribal

health programs, Federally-qualified health centers (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))), and academic teaching affiliates.

(c) ESTABLISHMENT OF CRITERIA AND STANDARDS FOR NON-DEPARTMENT CARE.—

(1) IN GENERAL.—Not later than December 31, 2017, the Secretary of Veterans Affairs shall establish consistent criteria and standards—

(A) for purposes of determining eligibility of non-Department of Veterans Affairs health care providers to provide health care under the laws administered by the Secretary, including standards relating to education, certification, licensure, training, and employment history; and

(B) for the reimbursement of such health care providers for care or services provided under the laws administered by the Secretary, which to the extent practicable shall—

(i) except as provided in clauses (ii) and (iii), use rates for reimbursement that are not more than the rates paid by the United States to a provider of services (as defined in section 1861(u) of the Social Security Act (42 U.S.C. 1395x(u))) under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for the same care or services;

(ii) with respect to care or services provided in Alaska, use rates for reimbursement set forth in the Alaska Fee Schedule of the Department of Veterans Affairs, except for when another payment agreement, including a contract or provider agreement, is in place, in which case use rates for reimbursement set forth under such payment agreement;

(iii) with respect to care or services provided in a State with an All-Payer Model Agreement in effect under the Social Security Act (42 U.S.C. 301 et seq.), use rates for reimbursement based on the payment rates under such agreement;

(iv) incorporate the use of value-based reimbursement models to promote the provision of high-quality care to improve health outcomes and the experience of care for veterans; and

(v) be consistent with prompt payment standards required of Federal agencies under chapter 39 of title 31, United States Code.

(2) INAPPLICABILITY TO CERTAIN CARE.—The criteria and standards established under paragraph (1) shall not apply to care or services furnished under section 1703A of title 38, United States Code, as added by subsection (a)(1).

SEC. 6402. FUNDING FOR VETERANS CHOICE PROGRAM.

(a) IN GENERAL.—All amounts required to carry out the Veterans Choice Program shall be derived from the appropriations account described in section 4003 of the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 (Public Law 114–41; 38 U.S.C. 1701 note).

(b) TRANSFER OF AMOUNTS.—

(1) IN GENERAL.—All amounts in the Veterans Choice Fund under section 802 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note) shall be transferred to the appropriations account described in section 4003 of the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 (Public Law 114–41; 38 U.S.C. 1701 note).

(2) CONFORMING REPEAL.—

(A) IN GENERAL.—Section 802 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note) is repealed.

(B) CONFORMING AMENDMENT.—Section 4003 of the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 (Public Law 114–41; 38 U.S.C. 1701 note) is amended by striking ''to be comprised of'' and all that follows and inserting ''to be comprised of discretionary medical services funding that is designated for hospital care and medical services furnished at non-Department facilities''.

(c) VETERANS CHOICE PROGRAM DEFINED.—In this section, the term ''Veterans Choice Program'' means—

(1) the program under section 1703A of title 38, United States Code, as added by section 6401(a)(1); and

(2) the programs, contracts, and agreements of the Department described in section 6401(b).

SEC. 6403. PAYMENT OF HEALTH CARE PROVIDERS UNDER VETERANS CHOICE PROGRAM.

(a) PAYMENT OF PROVIDERS.—

(1) IN GENERAL.—Subchapter I of chapter 17 of title 38, United States Code, as amended by section 6401(a)(1), is further amended by inserting after section 1703A the following new section:

''§ 1703B. Veterans Choice Program: payment of health care providers

''(a) PROMPT PAYMENT COMPLIANCE.—The Secretary shall ensure that payments made to health care providers under the Veterans Choice Program comply with chapter 39 of title 31 (commonly referred to as the 'Prompt Payment Act') and the requirements of this section. If there is a conflict between the requirements of the Prompt Payment Act and the requirements of this section, the Secretary shall comply with the requirements of this section.

''(b) SUBMITTAL OF CLAIM.—(1) A health care provider that seeks reimbursement under this section for care or services furnished under the Veterans Choice Program shall submit to the Secretary a claim for reimbursement not later than 180 days after furnishing such care or services.

''(2) On and after January 1, 2019, the Secretary shall not accept any claim under this section that is submitted to the Secretary in a manner other than electronically.

''(c) PAYMENT SCHEDULE.—(1) The Secretary shall reimburse a health care provider for care or services furnished under the Veterans Choice Program—

''(A) in the case of a clean claim submitted to the Secretary electronically, not later than 30 days after receiving the claim; or

''(B) in the case of a clean claim submitted to the Secretary in a manner other than electronically, not later than 45 days after receiving the claim.

''(2)(A) If the Secretary determines that a claim received from a health care provider for care or services furnished under the Veterans Choice Program is a non-clean claim, the Secretary shall submit to the provider, not later than 30 days after receiving the claim—

''(i) a notification that the claim is a non-clean claim;

''(ii) an explanation of why the claim has been determined to be a non-clean claim; and

''(iii) an identification of the information or documentation that is required to make the claim a clean claim.

''(B) If the Secretary does not comply with the requirements of subparagraph (A) with respect to a claim, the claim shall be deemed a clean claim for purposes of paragraph (1).

''(3) Upon receipt by the Secretary of information or documentation described in paragraph (2)(A)(iii) with respect to a claim, the Secretary shall reimburse a health care provider for care or services furnished under the Veterans Choice Program—

''(A) in the case of a claim submitted to the Secretary electronically, not later than 30 days after receiving such information or documentation; or

''(B) in the case of claim submitted to the Secretary in a manner other than electronically, not later than 45 days after receiving such information or documentation.

''(4) If the Secretary fails to comply with the deadlines for payment set forth in this subsection with respect to a claim, interest shall accrue on the amount owed under such claim in accordance with section 3902 of title 31, United States Code.

''(d) INFORMATION AND DOCUMENTATION REQUIRED.—(1) The Secretary shall provide to all health care providers participating in the Veterans Choice Program a list of information and documentation that is required to establish a clean claim under this section.

''(2) The Secretary shall consult with entities in the health care industry, in the public and private sector, to determine the information and documentation to include in the list under paragraph (1).

''(3) If the Secretary modifies the information and documentation included in the list under paragraph (1), the Secretary shall notify all health care providers participating in the Veterans Choice Program not later than 30 days before such modifications take effect.

''(e) DEFINITIONS.—In this section:

''(1) The term 'clean claim' means a claim for reimbursement for care or services furnished under the Veterans Choice Program, on a nationally recognized standard format, that includes the information and documentation necessary to adjudicate the claim.

''(2) The term 'non-clean claim' means a claim for reimbursement for care or services furnished under the Veterans Choice Program, on a nationally recognized standard format, that does not include the information and documentation necessary to adjudicate the claim.

''(3) The term 'Veterans Choice Program' means—

''(A) the program under section 1703A of this title; and

''(B) the programs, contracts, and agreements of the Department described in section 6401(b) of the National Defense Authorization Act for Fiscal Year 2017.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title, as amended by section 6401(a)(2), is further amended by inserting after the item related to section 1703A the following new item:

''1703B. Veterans Choice Program: payment of health care providers.''.

(b) ELECTRONIC SUBMITTAL OF CLAIMS FOR REIMBURSEMENT.—

(1) PROHIBITION ON ACCEPTANCE OF NON-ELECTRONIC CLAIMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), on and after January 1, 2019, the Secretary of Veterans Affairs shall not accept any claim for reimbursement under section 1703B of title 38, United States Code, as added by subsection (a), that is submitted to the Secretary in a manner other than electronically, including medical records in connection with such a claim.

(B) EXCEPTION.—If the Secretary determines that accepting claims and medical records in a manner other than electronically is necessary for the timely processing of claims for reimbursement under such section 1703B due to a failure or serious malfunction of the electronic interface established under paragraph (2), the Secretary—

(i) after determining that such a failure or serious malfunction has occurred, may accept claims and medical records in a manner other than electronically for a period not to exceed 90 days; and

(ii) shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report setting forth—

(I) the reason for accepting claims and medical records in a manner other than electronically;

(II) the duration of time that the Department of Veterans Affairs will accept claims and medical records in a manner other than electronically; and

(III) the steps that the Department is taking to resolve such failure or malfunction.

(2) ELECTRONIC INTERFACE.—

(A) IN GENERAL.—Not later than January 1, 2019, the Chief Information Officer of the Department of Veterans Affairs shall establish an electronic interface for health care providers to submit claims for reimbursement under such section 1703B.

(B) FUNCTIONS.—The electronic interface established under subparagraph (A) shall include the following functions:

(i) A function through which a health care provider may input all relevant data required for claims submittal and reimbursement.

(ii) A function through which a health care provider may upload medical records to accompany a claim for reimbursement.

(iii) A function through which a health care provider may ascertain the status of a pending claim for reimbursement that—

(I) indicates whether the claim is a clean claim or a non-clean claim; and

(II) in the event that a submitted claim is indicated as a non-clean claim, provides—

(aa) an explanation of why the claim has been determined to be a non-clean claim; and

(bb) an identification of the information or documentation that is required to make the claim a clean claim.

(iv) A function through which a health care provider is notified when a claim for reimbursement is accepted or rejected.

(v) Such other features as the Secretary considers necessary.

(C) PROTECTION OF INFORMATION.—

(i) IN GENERAL.—The electronic interface established under subparagraph (A) shall be developed and implemented based on industry-accepted information security and privacy engineering principles and best practices and shall provide for the following:

(I) The elicitation, analysis, and prioritization of functional and nonfunctional information security and privacy requirements for such interface, including specific security and privacy services and architectural requirements relating to security and privacy based on a thorough analysis of all reasonably anticipated cyber and noncyber threats to the security and privacy of electronic protected health information made available through such interface.

(II) The elicitation, analysis, and prioritization of secure development requirements relating to such interface.

(III) The assurance that the prioritized information security and privacy requirements of such interface—

(aa) are correctly implemented in the design and implementation of such interface throughout the system development lifecycle; and

(bb) satisfy the information objectives of such interface relating to security and privacy throughout the system development lifecycle.

(ii) DEFINITIONS.—In this subparagraph:

(I) ELECTRONIC PROTECTED HEALTH INFORMATION.—The term ''electronic protected health information'' has the meaning given that term in section 160.103 of title 45, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

(II) SECURE DEVELOPMENT REQUIREMENTS.—The term ''secure development requirements'' means, with respect to the electronic interface established under subparagraph (A), activities that are required to be completed during the system development lifecycle of such interface, such as secure coding principles and test methodologies.

(3) ANALYSIS OF AVAILABLE TECHNOLOGY FOR ELECTRONIC INTERFACE.—

(A) IN GENERAL.—Not later than January 1, 2017, or before entering into a contract to procure or design and build the electronic interface described in paragraph (2) or making a decision to internally design and build such electronic interface, whichever occurs first, the Secretary shall—

(i) conduct an analysis of commercially available technology that may satisfy the requirements of such electronic interface set forth in such paragraph; and

(ii) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report setting forth such analysis.

(B) ELEMENTS.—The report required under subparagraph (A)(ii) shall include the following:

(i) An evaluation of commercially available systems that may satisfy the requirements of paragraph (2).

(ii) The estimated cost of procuring a commercially available system if a suitable commercially available system exists.

(iii) If no suitable commercially available system exists, an assessment of the feasibility of modifying a commercially available system to meet the requirements of paragraph (2), including the estimated cost associated with such modifications.

(iv) If no suitable commercially available system exists and modifying a commercially available system is not feasible, an assessment of the estimated cost and time that would be required to contract with a commercial entity to design and build an electronic interface that meets the requirements of paragraph (2).

(v) If the Secretary determines that the Department has the capabilities required to design and build an electronic interface that meets the requirements of paragraph (2), an assessment of the estimated cost and time that would be required to design and build such electronic interface.

(vi) A description of the decision of the Secretary regarding how the Department plans to establish the electronic interface required under paragraph (2) and the justification of the Secretary for such decision.

(4) LIMITATION ON USE OF AMOUNTS.—The Secretary may not spend any amounts to procure or design and build the electronic interface described in paragraph (2) until the date that is 60 days after the date on which the Secretary submits the report required under paragraph (3)(A)(ii).

SEC. 6404. TERMINATION OF CERTAIN PROVISIONS AUTHORIZING CARE TO VETERANS THROUGH NON-DEPARTMENT OF VETERANS AFFAIRS PROVIDERS.

(a) TERMINATION OF AUTHORITY TO CONTRACT FOR CARE IN NON-DEPARTMENT FACILITIES.—

(1) IN GENERAL.—Section 1703 of title 38, United States Code, is amended by adding at the end the follow new subsection:

''(e) The authority of the Secretary under this section terminates on December 31, 2017.''.

(2) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—

(i) DENTAL CARE.—Section 1712(a) of such title is amended—

(I) in paragraph (3), by striking ''under clause (1), (2), or (5) of section 1703(a) of this title'' and inserting ''under the Veterans Choice Program (as defined in section 1703B(e) of this title)''; and

(II) in paragraph (4)(A), in the first sentence—

(aa) by striking ''and section 1703 of this title'' and inserting ''and the Veterans Choice Program (as defined in section 1703B(e) of this title)''; and

(bb) by striking ''in section 1703 of this title'' and inserting ''under the Veterans Choice Program''.

(ii) READJUSTMENT COUNSELING.—Section 1712A(e)(1) of such title is amended by striking ''(under sections 1703(a)(2) and 1710(a)(1)(B) of this title)'' and inserting ''(under the Veterans Choice Program (as defined in section 1703B(e) of this title) and section 1710(a)(1)(B) of this title)''.

(iii) DEATH IN DEPARTMENT FACILITY.—Section 2303(a)(2)(B)(i) of such title is amended by striking ''in accordance with section 1703'' and inserting ''under the Veterans Choice Program (as defined in section 1703B(e) of this title)''.

(iv) MEDICARE PROVIDER AGREEMENTS.—Section 1866(a)(1)(L) of the Social Security Act (42 U.S.C. 1395cc(a)(1)(L)) is amended—

(I) by striking ''under section 1703 of title 38'' and inserting ''under the Veterans Choice Program (as defined in section 1703B(e) of title 38, United States Code)''; and

(II) by striking ''such section'' and inserting ''such program''.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect on January 1, 2018.

(b) REPEAL OF AUTHORITY TO CONTRACT FOR SCARCE MEDICAL SPECIALISTS.—

(1) IN GENERAL.—Section 7409 of such title is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 74 of such title is amended by striking the item relating to section 7409.

TITLE LXV—HEALTH CARE ADMINISTRATIVE MATTERS

Subtitle A—Care From Non-Department Providers

SEC. 6411. AUTHORIZATION OF AGREEMENTS BETWEEN THE DEPARTMENT OF VETERANS AFFAIRS AND NON-DEPARTMENT PROVIDERS.

(a) IN GENERAL.—Subchapter I of chapter 17 of title 38, United States Code, as amended by section 6403(a)(1), is further amended by inserting after section 1703B the following new section:

''§ 1703C. Veterans Care Agreements

''(a) AGREEMENTS TO FURNISH CARE.—(1) In addition to the authority of the Secretary under this chapter to furnish hospital care, medical services, and extended care at facilities of the Department and under contracts or sharing agreements entered into under authorities other than this section, the Secretary may furnish hospital care, medical services, and extended care through the use of agreements entered into under this section. An agreement entered into under this section may be referred to as a 'Veterans Care Agreement'.

''(2)(A) The Secretary may enter into agreements under this section with eligible providers that are certified under subsection (d) if the Secretary is not feasibly able to furnish care or services described in paragraph (1) at facilities of the Department.

''(B) The Secretary is not feasibly able to furnish care or services described in paragraph (1) at facilities of the Department if the Secretary determines that the medical condition of the veteran, the travel involved, the nature of the care or services required, or a combination of those factors make the use of facilities of the Department impracticable or inadvisable.

''(b) RECEIPT OF CARE.—Eligibility of a veteran under this section for care or services

described in paragraph (1) shall be determined as if such care or services were furnished in a facility of the Department and provisions of this title applicable to veterans receiving such care or services in a facility of the Department shall apply to veterans receiving such care or services under this section.

''(c) ELIGIBLE PROVIDERS.—For purposes of this section, an eligible provider is one of the following:

''(1) A provider of services that has enrolled and entered into a provider agreement under section 1866(a) of the Social Security Act (42 U.S.C. 1395cc(a)).

''(2) A physician or supplier that has enrolled and entered into a participation agreement under section 1842(h) of such Act (42 U.S.C. 1395u(h)).

''(3) A provider of items and services receiving payment under a State plan under title XIX of such Act (42 U.S.C. 1396 et seq.) or a waiver of such a plan.

''(4) A health care provider that is—

''(A) an Aging and Disability Resource Center, an area agency on aging, or a State agency (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)); or

''(B) a center for independent living (as defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a)).

''(5) A provider that is located in—

''(A) an area that is designated as a health professional shortage area (as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e)); or

''(B) a county that is not in a metropolitan statistical area.

''(6) Such other health care providers as the Secretary considers appropriate for purposes of this section.

''(d) CERTIFICATION OF ELIGIBLE PROVIDERS.—(1) The Secretary shall establish a process for the certification of eligible providers under this section that shall, at a minimum, set forth the following.

''(A) Procedures for the submittal of applications for certification and deadlines for actions taken by the Secretary with respect to such applications.

''(B) Standards and procedures for approval and denial of certification, duration of certification, revocation of certification, and recertification.

''(C) Procedures for assessing eligible providers based on the risk of fraud, waste, and abuse of such providers similar to the level of screening under section 1866(j)(2)(B) of the Social Security Act (42 U.S.C. 1395cc(j)(2)(B)) and the standards set forth under section 9.104 of title 48, Code of Federal Regulations, or any successor regulation.

''(2) The Secretary shall deny or revoke certification to an eligible provider under this subsection if the Secretary determines that the eligible provider is currently—

''(A) excluded from participation in a Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f))) under section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a–7 and 1320a–7a); or

''(B) identified as an excluded source on the list maintained in the System for Award Management, or any successor system.

''(e) TERMS OF AGREEMENTS.—Each agreement entered into with an eligible provider under this section shall include provisions requiring the eligible provider to do the following:

''(1) To accept payment for care or services furnished under this section at rates established by the Secretary for purposes of this section, which shall be, to the extent practicable, the rates paid by the United States for such care or services to providers of services and suppliers under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

''(2) To accept payment under paragraph (1) as payment in full for care or services furnished under this section and to not seek any payment for such care or services from the recipient of such care or services.

''(3) To furnish under this section only the care or services authorized by the Department under this section unless the eligible provider receives prior written consent from the Department to furnish care or services outside the scope of such authorization.

''(4) To bill the Department for care or services furnished under this section in accordance with a methodology established by the Secretary for purposes of this section.

''(5) Not to seek to recover or collect from a health-plan contract or third party, as those terms are defined in section 1729 of this title, for any care or services for which payment is made by the Department under this section.

''(6) To provide medical records for veterans furnished care or services under this section to the Department in a time frame and format specified by the Secretary for purposes of this section.

''(7) To meet such other terms and conditions, including quality of care assurance standards, as the Secretary may specify for purposes of this section.

''(f) TERMINATION OF AGREEMENTS.—(1) An eligible provider may terminate an agreement with the Secretary under this section at such time and upon such notice to the Secretary as the Secretary may specify for purposes of this section.

''(2) The Secretary may terminate an agreement with an eligible provider under this section at such time and upon such notice to the eligible provider as the Secretary may specify for purposes of this section, if the Secretary—

''(A) determines that the eligible provider failed to comply substantially with the provisions of the agreement or with the provisions of this section and the regulations prescribed thereunder;

''(B) determines that the eligible provider is—

''(i) excluded from participation in a Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f))) under section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a–7 and 1320a–7a); or

''(ii) identified as an excluded source on the list maintained in the System for Award Management, or any successor system;

''(C) ascertains that the eligible provider has been convicted of a felony or other serious offense under Federal or State law and determines that the continued participation of the eligible provider would be detrimental to the best interests of veterans or the Department; or

''(D) determines that it is reasonable to terminate the agreement based on the health care needs of a veteran or veterans.

''(g) PERIODIC REVIEW OF CERTAIN AGREEMENTS.—(1) Not less frequently than once every two years, the Secretary shall review each Veterans Care Agreement of material size entered into during the two-year period preceding the review to determine whether it is feasible and advisable to furnish the hospital care, medical services, or extended care furnished under such agreement at facilities of the Department or through contracts or sharing agreements entered into under authorities other than this section.

''(2)(A) Subject to subparagraph (B), a Veterans Care Agreement is of material size as determined by the Secretary for purposes of this section.

''(B) A Veterans Care Agreement entered into after September 30, 2016, for the purchase of extended care services is of material size if the purchase of such services under the agreement exceeds $1,000,000 annually. The Secretary may adjust such amount to account for changes in the cost of health care based upon recognized health care market surveys and other available data and shall publish any such adjustments in the Federal Register.

''(h) TREATMENT OF CERTAIN LAWS.—(1) An agreement under this section may be entered into without regard to any law that would require the Secretary to use competitive procedures in selecting the party with which to enter into the agreement.

''(2)(A) Except as provided in subparagraph (B) and unless otherwise provided in this section or regulations prescribed pursuant to this section, an eligible provider that enters into an agreement under this section is not subject to, in the carrying out of the agreement, any law to which an eligible provider described in subsection (b)(1), (b)(2), or (b)(3) is not subject under the original Medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) or the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.).

''(B) The exclusion under subparagraph (A) does not apply to laws regarding integrity, ethics, fraud, or that subject a person to civil or criminal penalties.

''(3) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) shall apply with respect to an eligible provider that enters into an agreement under this section to the same extent as such title applies with respect to the eligible provider in providing care or services through an agreement or arrangement other than under this section.

''(i) MONITORING OF QUALITY OF CARE.—The Secretary shall establish a system or systems, consistent with survey and certification procedures used by the Centers for Medicare & Medicaid Services and State survey agencies to the extent practicable—

''(1) to monitor the quality of care and services furnished to veterans under this section; and

''(2) to assess the quality of care and services furnished by an eligible provider under this section for purposes of determining whether to renew an agreement under this section with the eligible provider.

''(j) DISPUTE RESOLUTION.—The Secretary shall establish administrative procedures for eligible providers with which the Secretary has entered into an agreement under this section to present any dispute arising under or related to the agreement.''.

(b) REGULATIONS.—The Secretary of Veterans Affairs shall prescribe an interim final rule to carry out section 1703C of such title, as added by subsection (a), not later than one year after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title, as amended by section 6403(a)(2), is further amended by inserting after the item related to section 1703B the following new item:

''1703C. Veterans Care Agreements.''.

SEC. 6412. MODIFICATION OF AUTHORITY TO ENTER INTO AGREEMENTS WITH STATE HOMES TO PROVIDE NURSING HOME CARE.

(a) USE OF AGREEMENTS.—

(1) IN GENERAL.—Paragraph (1) of section 1745(a) of title 38, United States Code, is amended, in the matter preceding subparagraph (A), by striking ''a contract (or agreement under section 1720(c)(1) of this title)'' and inserting ''an agreement''.

(2) PAYMENT.—Paragraph (2) of such section is amended by striking ''contract (or agreement)'' each place it appears and inserting ''agreement''.

(b) TREATMENT OF CERTAIN LAWS.—Such section is amended by adding at the end the following new paragraph:

''(4)(A) An agreement under this section may be entered into without regard to any law that would require the Secretary to use competitive procedures in selecting the party with which to enter into the agreement.

''(B)(i) Except as provided in clause (ii) and unless otherwise provided in this section or in regulations prescribed pursuant to this section, a State home that enters into an agreement under this section is not subject to, in the carrying out of the agreement, any law to which providers of services and suppliers are not subject under the original Medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) or the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.).

''(ii) The exclusion under clause (i) does not apply to laws regarding integrity, ethics, fraud, or that subject a person to civil or criminal penalties.

''(C) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) shall apply with respect to a State home that enters into an agreement under this section to the same extent as such title applies with respect to the State home in providing care or services through an agreement or arrangement other than under this section.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to agreements entered into under section 1745 of such title on and after the date on which the regulations prescribed by the Secretary of Veterans Affairs to implement such amendments take effect.

(2) PUBLICATION.—The Secretary shall publish the date described in paragraph (1) in the Federal Register not later than 30 days before such date.

SEC. 6413. EXPANSION OF REIMBURSEMENT FOR EMERGENCY TREATMENT AND URGENT CARE.

(a) IN GENERAL.—Section 1725 of title 38, United States Code, is amended to read as follows:

''§ 1725. Reimbursement for emergency treatment and urgent care

''(a) IN GENERAL.—(1) Subject to the provisions of this section, the Secretary shall reimburse a veteran described in subsection (b) for the reasonable value of emergency treatment or urgent care furnished the veteran in a non-Department facility.

''(2) In any case in which reimbursement of a veteran is authorized under paragraph (1), the Secretary may, in lieu of reimbursing the veteran, make payment of the reasonable value of the furnished emergency treatment or urgent care directly—

''(A) to the hospital or other health care provider that furnished the treatment or care; or

''(B) to the person or organization that paid for such treatment or care on behalf of the veteran.

''(3) Notwithstanding section 111 of this title, reimbursement for the reasonable value of emergency treatment or urgent care under this section shall include reimbursement for the reasonable value of transportation for such emergency treatment or urgent care.

''(b) ELIGIBILITY.—A veteran described in this subsection is an individual who—

''(1) is enrolled in the patient enrollment system of the Department established and operated under section 1705 of this title; and

''(2) has received care under this chapter during the 24-month period preceding the furnishing of the emergency treatment or urgent care for which reimbursement is sought under this section.

''(c) RESPONSIBILITY FOR PAYMENT.—The Secretary shall be the primary payer with respect to reimbursing or otherwise paying the reasonable value of emergency treatment or urgent care under this section.

''(d) LIMITATIONS ON PAYMENT.—(1) The Secretary, in accordance with regulations prescribed by the Secretary for purposes of this section, shall—

''(A) establish the maximum amount payable under subsection (a); and

''(B) delineate the circumstances under which such payments may be made, including such requirements on requesting reimbursement as the Secretary may establish.

''(2)(A) Payment by the Secretary under this section on behalf of a veteran to a provider of emergency treatment or urgent care shall, unless rejected and refunded by the provider within 30 days of receipt—

''(i) constitute payment in full for the emergency treatment or urgent care provided; and

''(ii) extinguish any liability on the part of the veteran for that treatment or care.

''(B) Neither the absence of a contract or agreement between the Secretary and a provider of emergency treatment or urgent care nor any provision of a contract, agreement, or assignment to the contrary shall operate to modify, limit, or negate the requirements of subparagraph (A).

''(C) An individual or entity may not seek to recover from any third party the cost of emergency treatment or urgent care for which the Secretary has made payment under this section.

''(e) RECOVERY.—The United States has an independent right to recover or collect reasonable charges for emergency treatment or urgent care furnished under this section in accordance with the provisions of section 1729 of this title.

''(f) COPAYMENTS.—(1) Except as provided in paragraph (2), a veteran shall pay to the Department a copayment (in an amount prescribed by the Secretary for purposes of this section) for each episode of emergency treatment or urgent care for which reimbursement is provided to the veteran under this section.

''(2) The requirement under paragraph (1) to pay a copayment does not apply to a veteran who—

''(A) would not be required to pay to the Department a copayment for emergency treatment or urgent care furnished at facilities of the Department;

''(B) meets an exemption specified by the Secretary in regulations prescribed by the Secretary for purposes of this section; or

''(C) is admitted to a hospital for treatment or observation following, and in connection with, the emergency treatment or urgent care for which the veteran is provided reimbursement under this section.

''(3) The requirement that a veteran pay a copayment under this section shall apply notwithstanding the authority of the Secretary to offset such a requirement with amounts recovered from a third party under section 1729 of this title.

''(g) DEFINITIONS.—In this section:

''(1) The term 'emergency treatment' means medical care or services furnished, in the judgment of the Secretary—

''(A) when such care or services are rendered in a medical emergency of such nature that a prudent layperson reasonably expects that delay in seeking immediate medical attention would be hazardous to life or health; and

''(B) until—

''(i) such time as the veteran can be transferred safely to a Department facility or community care provider authorized by the Secretary and such facility or provider is capable of accepting such transfer; or

''(ii) such time as a Department facility or community care provider authorized by the Secretary accepts such transfer if—

''(I) at the time the veteran could have been transferred safely to such a facility or provider, no such facility or provider agreed to accept such transfer; and

''(II) the non-Department facility in which such medical care or services was furnished made and documented reasonable attempts to transfer the veteran to a Department facility or community care provider.

''(2) The term 'health-plan contract' includes any of the following:

''(A) An insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar arrangement under which health services for individuals are provided or the expenses of such services are paid.

''(B) An insurance program described in section 1811 of the Social Security Act (42 U.S.C. 1395c) or established by section 1831 of such Act (42 U.S.C. 1395j).

''(C) A State plan for medical assistance approved under title XIX of such Act (42 U.S.C. 1396 et seq.).

''(D) A workers' compensation law or plan described in section 1729(a)(2)(A) of this title.

''(3) The term 'third party' means any of the following:

''(A) A Federal entity.

''(B) A State or political subdivision of a State.

''(C) An employer or an employer's insurance carrier.

''(D) An automobile accident reparations insurance carrier.

''(E) A person or entity obligated to provide, or to pay the expenses of, health services under a health-plan contract.

''(4) The term 'urgent care' shall have the meaning given that term by the Secretary in regulations prescribed by the Secretary for purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by striking the item relating to section 1725 and inserting the following new item:

''1725. Reimbursement for emergency treatment and urgent care.''.

(c) REPEAL OF SUPERSEDED AUTHORITY.—

(1) IN GENERAL.—Section 1728 is repealed.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The repeal made by paragraph (1) shall take effect on the date on which the Secretary of Veterans Affairs prescribes regulations to carry out section 1725 of title 38, United States Code, as amended by subsection (a).

(B) PUBLICATION.—The Secretary shall publish the date specified in subparagraph (A) in the Federal Register and on an publicly available Internet website of the Department of Veterans Affairs not later than 30 days before such date.

(d) CONFORMING AMENDMENTS.—

(1) MEDICAL CARE FOR SURVIVORS AND DEPENDENTS.—Section 1781(a)(4) is amended by striking ''(as defined in section 1725(f) of this title)'' and inserting ''(as defined in section 1725(g) of this title)''.

(2) HEALTH CARE OF FAMILY MEMBERS OF VETERANS STATIONED AT CAMP LEJEUNE, NORTH CAROLINA.—Section 1787(b)(3) is amended by striking ''(as defined in section 1725(f) of this title)'' and inserting ''(as defined in section 1725(g) of this title)''.

(e) REGULATIONS.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall prescribe regulations to carry out the amendments made by this section.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect one

year after the date of the enactment of this Act.

SEC. 6414. REQUIREMENT FOR ADVANCE APPROPRIATIONS FOR THE VETERANS CHOICE PROGRAM ACCOUNT OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 117(c) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(7) Veterans Health Administration, Veterans Choice Program.''.

(b) CONFORMING AMENDMENT.—Section 1105(a)(37) of title 31, United States Code, is amended by adding at the end the following new subparagraph:

''(G) Veterans Health Administration, Veterans Choice Program.''.

(c) APPLICABILITY.—The amendments made by this section shall apply to fiscal years beginning on and after October 1, 2016.

SEC. 6415. ANNUAL TRANSFER OF AMOUNTS WITHIN DEPARTMENT OF VETERANS AFFAIRS TO PAY FOR HEALTH CARE FROM NON-DEPARTMENT PROVIDERS.

Section 106 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note) is amended by adding at the end the following new subsection:

''(c) ANNUAL TRANSFER OF AMOUNTS.—

''(1) IN GENERAL.—At the beginning of each fiscal year, the Secretary of Veterans Affairs shall transfer to the Veterans Health Administration an amount equal to the amount estimated to be required to furnish hospital care, medical services, and other health care through non-Department of Veterans Affairs providers during that fiscal year.

''(2) ADJUSTMENTS.—During a fiscal year, the Secretary may make adjustments to the amount transferred under paragraph (1) for that fiscal year to accommodate any variances in demand for hospital care, medical services, or other health care through non-Department providers.''.

SEC. 6416. APPLICABILITY OF DIRECTIVE OF OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS.

(a) IN GENERAL.—Directive 2014-01 of the Office of Federal Contract Compliance Programs of the Department of Labor (effective as of May 7, 2014) shall apply to any health care provider entering into a contract or agreement under section 1703A, 1703C, or 1745 of title 38, United States Code, in the same manner as such directive applies to subcontractors under the TRICARE program.

(b) APPLICABILITY PERIOD.—The directive described in subsection (a), and the moratorium provided under such directive, shall not be altered or rescinded before May 7, 2019.

(c) TRICARE PROGRAM DEFINED.—In this section, the term ''TRICARE program'' has the meaning given that term in section 1072 of title 10, United States Code.

Subtitle B—Other Health Care Administrative Matters

SEC. 6421. REIMBURSEMENT OF CERTAIN ENTITIES FOR EMERGENCY MEDICAL TRANSPORTATION.

(a) IN GENERAL.—Subchapter III of chapter 17 of title 38, United States Code, is amended by inserting after section 1725 the following new section:

''§ 1725A. Reimbursement of certain entities for emergency medical transportation

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall reimburse an ambulance provider or any other entity that provides transportation to a veteran described in section 1725(b) of this title for the purpose of receiving emergency treatment at a non-Department facility the cost of such transportation.

''(b) SERVICE CONNECTION.—(1) The Secretary shall reimburse an ambulance provider or any other entity under subsection (a) regardless of whether the underlying medical condition for which the veteran is seeking emergency treatment is in connection with a service-connected disability.

''(2) If the Secretary determines that the underlying medical condition for which the veteran receives emergency treatment is not in connection with a service-connected disability, the Secretary shall recoup the cost of transportation paid under subsection (a) in connection with such emergency treatment from any health-plan contract under which the veteran is covered.

''(c) TIMING.—Reimbursement under subsection (a) shall be made not later than 30 days after receiving a request for reimbursement under such subsection.

''(d) DEFINITIONS.—In this section, the terms 'emergency treatment' and 'health-plan contract' have the meanings given those terms in section 1725(f) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item related to section 1725 the following new item:

''1725A. Reimbursement for emergency medical transportation.''.

SEC. 6422. REQUIREMENT THAT DEPARTMENT OF VETERANS AFFAIRS COLLECT HEALTH-PLAN CONTRACT INFORMATION FROM VETERANS.

(a) IN GENERAL.—Subchapter I of chapter 17 is amended by inserting after section 1705 the following new section:

''§ 1705A. Management of health care: information regarding health-plan contracts

''(a) IN GENERAL.—(1) Any individual who seeks hospital care or medical services under this chapter shall provide to the Secretary such current information as the Secretary may require to identify any health-plan contract under which such individual is covered.

''(2) The information required to be provided to the Secretary under paragraph (1) with respect to a health-plan contract shall include, as applicable, the following:

''(A) The name of the entity providing coverage under the health-plan contract.

''(B) If coverage under the health-plan contract is in the name of an individual other than the individual required to provide information under this section, the name of the policy holder of the health-plan contract.

''(C) The identification number for the health-plan contract.

''(D) The group code for the health-plan contract.

''(b) ACTION TO COLLECT INFORMATION.—The Secretary may take such action as the Secretary considers appropriate to collect the information required under subsection (a).

''(c) EFFECT ON SERVICES FROM DEPARTMENT.—The Secretary may not deny any services under this chapter to an individual solely due to the fact that the individual fails to provide information required under subsection (a).

''(d) HEALTH-PLAN CONTRACT DEFINED.—In this section, the term 'health-plan contract' has the meaning given that term in section 1725(g) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1705 the following new item:

''1705A. Management of health care: information regarding health-plan contracts.''.

SEC. 6423. MODIFICATION OF HOURS OF EMPLOYMENT FOR PHYSICIANS AND PHYSICIAN ASSISTANTS EMPLOYED BY THE DEPARTMENT OF VETERANS AFFAIRS.

Section 7423(a) of title 38, United States Code, is amended—

(1) by striking ''(a) The hours'' and inserting ''(a)(1) Except as provided in paragraph (2), the hours''; and

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

''(2) The Secretary may modify the hours of employment for a physician or physician assistant appointed in the Administration under any provision of this chapter on a full-time basis to be more than or less than 80 hours in a biweekly pay period if the total hours of employment for such employee in a calendar year are not less than 2,080 hours.''.

TITLE LXVI—FAMILY CAREGIVERS

SEC. 6431. EXPANSION OF FAMILY CAREGIVER PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.

(a) FAMILY CAREGIVER PROGRAM.—

(1) EXPANSION OF ELIGIBILITY.—

(A) IN GENERAL.—Subsection (a)(2)(B) of section 1720G of title 38, United States Code, is amended to read as follows:

''(B) for assistance provided under this subsection—

''(i) before the date on which the Secretary submits to Congress a certification that the Department has fully implemented the information technology system required by section 6432(a) of the National Defense Authorization Act for Fiscal Year 2017, has a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, or air service on or after September 11, 2001;

''(ii) during the two-year period beginning on the date specified in clause (i), has a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, or air service—

''(I) on or before May 7, 1975; or

''(II) on or after September 11, 2001; or

''(iii) after the date that is two years after the date specified in clause (i), has a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, or air service; and''.

(B) PUBLICATION IN FEDERAL REGISTER.—Not later than 30 days after the date on which the Secretary of Veterans Affairs submits to Congress the certification described in subsection (a)(2)(B)(i) of section 1720G of such title, as amended by subparagraph (A) of this paragraph, the Secretary shall publish the date specified in such subsection in the Federal Register.

(2) EXPANSION OF NEEDED SERVICES IN ELIGIBILITY CRITERIA.—Subsection (a)(2)(C) of such section is amended—

(A) in clause (ii), by striking ''; or'' and inserting a semicolon;

(B) by redesignating clause (iii) as clause (iv); and

(C) by inserting after clause (ii) the following new clause (iii):

''(iii) a need for regular or extensive instruction or supervision without which the ability of the veteran to function in daily life would be seriously impaired; or''.

(3) EXPANSION OF SERVICES PROVIDED.—Subsection (a)(3)(A)(ii) of such section is amended—

(A) in subclause (IV), by striking ''; and'' and inserting a semicolon;

(B) in subclause (V), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subclause:

''(VI) through the use of contracts with, or the provision of grants to, public or private entities—

''(aa) financial planning services relating to the needs of injured veterans and their caregivers; and

''(bb) legal services, including legal advice and consultation, relating to the needs of injured veterans and their caregivers.''.

(4) MODIFICATION OF STIPEND CALCULATION.—Subsection (a)(3)(C) of such section is amended—

(A) by redesignating clause (iii) as clause (iv); and

(B) by inserting after clause (ii) the following new clause (iii):

''(iii) In determining the amount and degree of personal care services provided under clause (i) with respect to an eligible veteran whose need for personal care services is based in whole or in part on a need for supervision or protection under paragraph (2)(C)(ii) or regular or extensive instruction or supervision under paragraph (2)(C)(iii), the Secretary shall take into account the following:

''(I) The assessment by the family caregiver of the needs and limitations of the veteran.

''(II) The extent to which the veteran can function safely and independently in the absence of such supervision, protection, or instruction.

''(III) The amount of time required for the family caregiver to provide such supervision, protection, or instruction to the veteran.''.

(5) PERIODIC EVALUATION OF NEED FOR CERTAIN SERVICES.—Subsection (a)(3) of such section is amended by adding at the end the following new subparagraph:

''(D) In providing instruction, preparation, and training under subparagraph (A)(i)(I) and technical support under subparagraph (A)(i)(II) to each family caregiver who is approved as a provider of personal care services for an eligible veteran under paragraph (6), the Secretary shall periodically evaluate the needs of the eligible veteran and the skills of the family caregiver of such veteran to determine if additional instruction, preparation, training, or technical support under those subparagraphs is necessary.''.

(6) USE OF PRIMARY CARE TEAMS.—Subsection (a)(5) of such section is amended, in the matter preceding subparagraph (A), by inserting ''(in collaboration with the primary care team for the eligible veteran to the maximum extent practicable)'' after ''evaluate''.

(7) ASSISTANCE FOR FAMILY CAREGIVERS.—Subsection (a) of such section is amended by adding at the end the following new paragraph:

''(11)(A) In providing assistance under this subsection to family caregivers of eligible veterans, the Secretary may enter into contracts, provider agreements, and memoranda of understanding with Federal agencies, States, and private, nonprofit, and other entities to provide such assistance to such family caregivers.

''(B) The Secretary may provide assistance under this paragraph only if such assistance is reasonably accessible to the family caregiver and is substantially equivalent or better in quality to similar services provided by the Department.

''(C) The Secretary may provide fair compensation to Federal agencies, States, and other entities that provide assistance under this paragraph.''.

(b) MODIFICATION OF DEFINITION OF PERSONAL CARE SERVICES.—Subsection (d)(4) of such section is amended—

(1) in subparagraph (A), by striking ''independent'';

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

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

''(B) Supervision or protection based on symptoms or residuals of neurological or other impairment or injury.

''(C) Regular or extensive instruction or supervision without which the ability of the veteran to function in daily life would be seriously impaired.''.

SEC. 6432. IMPLEMENTATION OF INFORMATION TECHNOLOGY SYSTEM OF DEPARTMENT OF VETERANS AFFAIRS TO ASSESS AND IMPROVE THE FAMILY CAREGIVER PROGRAM.

(a) IMPLEMENTATION OF NEW SYSTEM.—

(1) IN GENERAL.—Not later than December 31, 2016, the Secretary of Veterans Affairs shall implement an information technology system that fully supports the Program and allows for data assessment and comprehensive monitoring of the Program.

(2) ELEMENTS OF SYSTEM.—The information technology system required to be implemented under paragraph (1) shall include the following:

(A) The ability to easily retrieve data that will allow all aspects of the Program (at the medical center and aggregate levels) and the workload trends for the Program to be assessed and comprehensively monitored.

(B) The ability to manage data with respect to a number of caregivers that is more than the number of caregivers that the Secretary expects to apply for the Program.

(C) The ability to integrate the system with other relevant information technology systems of the Veterans Health Administration.

(b) ASSESSMENT OF PROGRAM.—Not later than 180 days after implementing the system described in subsection (a), the Secretary shall, through the Under Secretary for Health, use data from the system and other relevant data to conduct an assessment of how key aspects of the Program are structured and carried out.

(c) ONGOING MONITORING OF AND MODIFICATIONS TO PROGRAM.—

(1) MONITORING.—The Secretary shall use the system implemented under subsection (a) to monitor and assess the workload of the Program, including monitoring and assessment of data on—

(A) the status of applications, appeals, and home visits in connection with the Program; and

(B) the use by caregivers participating in the Program of other support services under the Program such as respite care.

(2) MODIFICATIONS.—Based on the monitoring and assessment conducted under paragraph (1), the Secretary shall identify and implement such modifications to the Program as the Secretary considers necessary to ensure the Program is functioning as intended and providing veterans and caregivers participating in the Program with services in a timely manner.

(d) REPORTS.—

(1) INITIAL REPORT.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and the Comptroller General of the United States a report that includes—

(i) the status of the planning, development, and deployment of the system required to be implemented under subsection (a), including any changes in the timeline for the implementation of the system; and

(ii) an assessment of the needs of family caregivers of veterans described in subparagraph (B), the resources needed for the inclusion of such family caregivers in the Program, and such changes to the Program as the Secretary considers necessary to ensure the successful expansion of the Program to include such family caregivers.

(B) VETERANS DESCRIBED.—Veterans described in this subparagraph are veterans who are eligible for the Program under clause (ii) or (iii) of section 1720G(a)(2)(B) of title 38, United States Code, as amended by section 6431(a)(1) of this Act, solely due to a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, or air service before September 11, 2001.

(2) NOTIFICATION BY COMPTROLLER GENERAL.—The Comptroller General shall review the report submitted under paragraph (1) and notify the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives with respect to the progress of the Secretary in—

(A) fully implementing the system required under subsection (a); and

(B) implementing a process for using such system to monitor and assess the Program under subsection (c)(1) and modify the Program as considered necessary under subsection (c)(2).

(3) FINAL REPORT.—

(A) IN GENERAL.—Not later than December 31, 2017, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and the Comptroller General a report on the implementation of subsections (a) through (c).

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

(i) A certification by the Secretary with respect to whether the information technology system described in subsection (a) has been implemented.

(ii) A description of how the Secretary has implemented such system.

(iii) A description of the modifications to the Program, if any, that were identified and implemented under subsection (c)(2).

(iv) A description of how the Secretary is using such system to monitor the workload of the Program.

(e) DEFINITIONS.—In this section:

(1) ACTIVE MILITARY, NAVAL, OR AIR SERVICE.—The term ''active military, naval, or air service'' has the meaning given that term in section 101 of title 38, United States Code.

(2) PROGRAM.—The term ''Program'' means the program of comprehensive assistance for family caregivers under section 1720G(a) of title 38, United States Code, as amended by section 6431 of this Act.

SEC. 6433. MODIFICATIONS TO ANNUAL EVALUATION REPORT ON CAREGIVER PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.

(a) BARRIERS TO CARE AND SERVICES.—Subparagraph (A)(iv) of section 101(c)(2) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 38 U.S.C. 1720G note) is amended by inserting '', including a description of any barriers to accessing and receiving care and services under such programs'' before the semicolon.

(b) SUFFICIENCY OF TRAINING FOR FAMILY CAREGIVER PROGRAM.—Subparagraph (B) of such section is amended—

(1) in clause (i), by striking ''; and'' and inserting a semicolon;

(2) in clause (ii), by striking the period at the end and inserting ''; and''; and

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

''(iii) an evaluation of the sufficiency and consistency of the training provided to family caregivers under such program in preparing family caregivers to provide care to veterans under such program.''.

SEC. 6434. ADVISORY COMMITTEE ON CAREGIVER POLICY.

(a) ESTABLISHMENT.—There is established in the Department of Veterans Affairs an advisory committee on policies relating to caregivers of veterans (in this section referred to as the ''Committee'').

(b) COMPOSITION.—The Committee shall be composed of the following:

(1) A Chair selected by the Secretary of Veterans Affairs.

(2) A representative from each of the following agencies or organizations selected by the head of such agency or organization:

(A) The Department of Veterans Affairs.

(B) The Department of Defense.

(C) The Department of Health and Human Services.

(D) The Department of Labor.

(E) The Centers for Medicare and Medicaid Services.

(3) Not fewer than seven individuals who are not employees of the Federal Government selected by the Secretary from among the following individuals:

(A) Academic experts in fields relating to caregivers.

(B) Clinicians.

(C) Caregivers.

(D) Individuals in receipt of caregiver services.

(E) Such other individuals with expertise that is relevant to the duties of the Committee as the Secretary considers appropriate.

(c) DUTIES.—The duties of the Committee are as follows:

(1) To regularly review and recommend policies of the Department of Veterans Affairs relating to caregivers of veterans.

(2) To examine and advise the implementation of such policies.

(3) To evaluate the effectiveness of such policies.

(4) To recommend standards of care for caregiver services and respite care services provided to a caregiver or veteran by a nonprofit or private sector entity.

(5) To develop recommendations for legislative or administrative action to enhance the provision of services to caregivers and veterans, including eliminating gaps in such services and eliminating disparities in eligibility for such services.

(6) To make recommendations on coordination with State and local agencies and relevant nonprofit organizations on maximizing the use and effectiveness of resources for caregivers of veterans.

(d) REPORTS.—

(1) ANNUAL REPORT TO SECRETARY.—

(A) IN GENERAL.—Not later than September 1, 2017, and not less frequently than annually thereafter until the termination date specified in subsection (e), the Chair of the Committee shall submit to the Secretary a report on policies and services of the Department of Veterans Affairs relating to caregivers of veterans.

(B) ELEMENTS.—Each report required by subparagraph (A) shall include the following:

(i) An assessment of the policies of the Department relating to caregivers of veterans and services provided pursuant to such policies as of the date of the submittal of the report.

(ii) A description of any recommendations made by the Committee to improve the coordination of services for caregivers of veterans between the Department and the entities specified in subparagraphs (B) through (E) of subsection (b)(2) and to eliminate barriers to the effective use of such services, including with respect to eligibility criteria.

(iii) An evaluation of the effectiveness of the Department in providing services for caregivers of veterans.

(iv) An evaluation of the quality and sufficiency of services for caregivers of veterans available from nongovernmental organizations.

(v) A description of any gaps identified by the Committee in care or services provided by caregivers to veterans and recommendations for legislative or administrative action to address such gaps.

(vi) Such other matters or recommendations as the Chair considers appropriate.

(2) TRANSMITTAL TO CONGRESS.—Not later than 90 days after the receipt of a report under paragraph (1), the Secretary shall transmit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a copy of such report, together with such comments and recommendations concerning such report as the Secretary considers appropriate.

(e) TERMINATION.—The Committee shall terminate on December 31, 2022.

SEC. 6435. COMPREHENSIVE STUDY ON SERIOUSLY INJURED VETERANS AND THEIR CAREGIVERS.

(a) STUDY REQUIRED.—During the period specified in subsection (d), the Secretary of Veterans Affairs shall provide for the conduct by an independent entity of a comprehensive study on the following:

(1) Veterans who have incurred a serious injury or illness, including a mental health injury or illness.

(2) Individuals who are acting as caregivers for veterans.

(b) ELEMENTS.—The comprehensive study required by subsection (a) shall include the following with respect to each veteran included in such study:

(1) The health of the veteran and, if applicable, the impact of the caregiver of such veteran on the health of such veteran.

(2) The employment status of the veteran and, if applicable, the impact of the caregiver of such veteran on the employment status of such veteran.

(3) The financial status and needs of the veteran.

(4) The use by the veteran of benefits available to such veteran from the Department of Veterans Affairs.

(5) Such other information as the Secretary considers appropriate.

(c) CONTRACT.—The Secretary shall enter into a contract with an appropriate independent entity to conduct the study required by subsection (a).

(d) PERIOD SPECIFIED.—The period specified in this subsection is the one-year period beginning on the date that is four years after the date specified in section 1720G(a)(2)(B)(i) of title 38, United States Code, as amended by section 6431(a)(1) of this Act.

(e) REPORT.—Not later than 30 days after the end of the period specified in subsection (d), 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 on the results of the study required by subsection (a).

TITLE LXVII—FACILITY CONSTRUCTION AND LEASES

Subtitle A—Medical Facility Construction and Leases

SEC. 6441. AUTHORIZATION OF CERTAIN MAJOR MEDICAL FACILITY PROJECTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in an amount not to exceed the amount specified for that project:

(1) Seismic corrections to buildings, including retrofitting and replacement of high-risk buildings, in San Francisco, California, in an amount not to exceed $317,300,000.

(2) Seismic corrections to facilities, including facilities to support homeless veterans, at the medical center in West Los Angeles, California, in an amount not to exceed $370,800,000.

(3) Seismic corrections to the mental health and community living center in Long Beach, California, in an amount not to exceed $317,300,000.

(4) Construction of an outpatient clinic, administrative space, cemetery, and columbarium in Alameda, California, in an amount not to exceed $240,200,000.

(5) Realignment of medical facilities in Livermore, California, in an amount not to exceed $415,600,000.

(6) Construction of a replacement community living center in Perry Point, Maryland, in an amount not to exceed $92,700,000.

(7) Seismic corrections and other renovations to several buildings and construction of a specialty care building in American Lake, Washington, in an amount not to exceed $161,700,000.

SEC. 6442. AUTHORIZATION OF CERTAIN MAJOR MEDICAL FACILITY LEASES OF THE DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Veterans Affairs may carry out the following major medical facility leases at the locations specified and in an amount for each lease not to exceed the amount specified for such location (not including any estimated cancellation costs):

(1) For an outpatient clinic, Ann Arbor, Michigan, an amount not to exceed $17,093,000.

(2) For an outpatient mental health clinic, Birmingham, Alabama, an amount not to exceed $6,971,000.

(3) For an outpatient specialty clinic, Birmingham, Alabama, an amount not to exceed $10,479,000.

(4) For research space, Boston, Massachusetts, an amount not to exceed $5,497,000.

(5) For research space, Charleston, South Carolina, an amount not to exceed $6,581,000.

(6) For an outpatient clinic, Daytona Beach, Florida, an amount not to exceed $12,664,000.

(7) For Chief Business Office Purchased Care office space, Denver, Colorado, an amount not to exceed $17,215,000.

(8) For an outpatient clinic, Gainesville, Florida, an amount not to exceed $4,686,000.

(9) For an outpatient clinic, Hampton Roads, Virginia, an amount not to exceed $18,124,000.

(10) For research space, Mission Bay, California, an amount not to exceed $23,454,000.

(11) For an outpatient clinic, Missoula, Montana, an amount not to exceed $7,130,000.

(12) For an outpatient clinic, Northern Colorado, Colorado, an amount not to exceed $8,776,000.

(13) For an outpatient clinic, Ocala, Florida, an amount not to exceed $5,279,000.

(14) For an outpatient clinic, Oxnard, California, an amount not to exceed $6,297,000.

(15) For an outpatient clinic, Pike County, Georgia, an amount not to exceed $5,757,000.

(16) For an outpatient clinic, Portland, Maine, an amount not to exceed $6,846,000.

(17) For an outpatient clinic, Raleigh, North Carolina, an amount not to exceed $21,607,000.

(18) For an outpatient clinic, Santa Rosa, California, an amount not to exceed $6,498,000.

(19) For a replacement outpatient clinic, Corpus Christi, Texas, an amount not to exceed $7,452,000.

(20) For a replacement outpatient clinic, Jacksonville, Florida, an amount not to exceed $18,136,000.

(21) For a replacement outpatient clinic, Pontiac, Michigan, an amount not to exceed $4,532,000.

(22) For a replacement outpatient clinic, phase II, Rochester, New York, an amount not to exceed $6,901,000.

(23) For a replacement outpatient clinic, Tampa, Florida, an amount not to exceed $10,568,000.

(24) For a replacement outpatient clinic, Terre Haute, Indiana, an amount not to exceed $4,475,000.

SEC. 6443. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2016 or the year in which funds are appropriated for the Construction, Major Projects, account $1,915,600,000 for the projects authorized in section 6441.

(b) AUTHORIZATION OF APPROPRIATIONS FOR MEDICAL FACILITY LEASES.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2016 or the year in which funds are appropriated for the Medical Facilities account $190,954,000 for the leases authorized in section 6442.

(c) LIMITATION.—The projects authorized in section 6431 may only be carried out using—

(1) funds appropriated for fiscal year 2016 pursuant to the authorization of appropriations in subsection (b);

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2016 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2016 that remain available for obligation;

(4) funds appropriated for Construction, Major Projects, for fiscal year 2016 for a category of activity not specific to a project;

(5) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2016 for a category of activity not specific to a project; and

(6) funds appropriated for Construction, Major Projects, for a fiscal year after fiscal year 2016 for a category of activity not specific to a project.

Subtitle B—Leases at Department of Veterans Affairs West Los Angeles Campus

SEC. 6451. AUTHORITY TO ENTER INTO CERTAIN LEASES AT THE DEPARTMENT OF VETERANS AFFAIRS WEST LOS ANGELES CAMPUS.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out leases described in subsection (b) at the Department of Veterans Affairs West Los Angeles Campus in Los Angeles, California (hereinafter in this section referred to as the ''Campus'').

(b) LEASES DESCRIBED.—Leases described in this subsection are the following:

(1) Any enhanced-use lease of real property under subchapter V of chapter 81 of title 38, United States Code, for purposes of providing supportive housing, as that term is defined in section 8161(3) of such title, that principally benefit veterans and their families.

(2) Any lease of real property for a term not to exceed 50 years to a third party to provide services that principally benefit veterans and their families and that are limited to one or more of the following purposes:

(A) The promotion of health and wellness, including nutrition and spiritual wellness.

(B) Education.

(C) Vocational training, skills building, or other training related to employment.

(D) Peer activities, socialization, or physical recreation.

(E) Assistance with legal issues and Federal benefits.

(F) Volunteerism.

(G) Family support services, including child care.

(H) Transportation.

(I) Services in support of one or more of the purposes specified in subparagraphs (A) through (H).

(3) A lease of real property for a term not to exceed 10 years to The Regents of the University of California, a corporation organized under the laws of the State of California, on behalf of its University of California, Los Angeles (UCLA) campus (hereinafter in this section referred to as ''The Regents''), if—

(A) the lease is consistent with the master plan described in subsection (g);

(B) the provision of services to veterans is the predominant focus of the activities of The Regents at the Campus during the term of the lease;

(C) The Regents expressly agrees to provide, during the term of the lease and to an extent and in a manner that the Secretary considers appropriate, additional services and support (for which The Regents is not compensated by the Secretary or through an existing medical affiliation agreement) that—

(i) principally benefit veterans and their families, including veterans who are severely disabled, women, aging, or homeless; and

(ii) may consist of activities relating to the medical, clinical, therapeutic, dietary, rehabilitative, legal, mental, spiritual, physical, recreational, research, and counseling needs of veterans and their families or any of the purposes specified in any of subparagraphs (A) through (I) of paragraph (2); and

(D) The Regents maintains records documenting the value of the additional services and support that The Regents provides pursuant to subparagraph (C) for the duration of the lease and makes such records available to the Secretary.

(c) LIMITATION ON LAND-SHARING AGREEMENTS.—The Secretary may not carry out any land-sharing agreement pursuant to section 8153 of title 38, United States Code, at the Campus unless such agreement—

(1) provides additional health-care resources to the Campus; and

(2) benefits veterans and their families other than from the generation of revenue for the Department of Veterans Affairs.

(d) REVENUES FROM LEASES AT THE CAMPUS.—Any funds received by the Secretary under a lease described in subsection (b) shall be credited to the applicable Department medical facilities account and shall be available, without fiscal year limitation and without further appropriation, exclusively for the renovation and maintenance of the land and facilities at the Campus.

(e) EASEMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (other than Federal laws relating to environmental and historic preservation), pursuant to section 8124 of title 38, United States Code, the Secretary may grant easements or rights-of-way on, above, or under lands at the Campus to—

(A) any local or regional public transportation authority to access, construct, use, operate, maintain, repair, or reconstruct public mass transit facilities, including, fixed guideway facilities and transportation centers; and

(B) the State of California, County of Los Angeles, City of Los Angeles, or any agency or political subdivision thereof, or any public utility company (including any company providing electricity, gas, water, sewage, or telecommunication services to the public) for the purpose of providing such public utilities.

(2) IMPROVEMENTS.—Any improvements proposed pursuant to an easement or right-of-way authorized under paragraph (1) shall be subject to such terms and conditions as the Secretary considers appropriate.

(3) TERMINATION.—Any easement or right-of-way authorized under paragraph (1) shall be terminated upon the abandonment or nonuse of the easement or right-of-way and all right, title, and interest in the land covered by the easement or right-of-way shall revert to the United States.

(f) PROHIBITION ON SALE OF PROPERTY.—Notwithstanding section 8164 of title 38, United States Code, the Secretary may not sell or otherwise convey to a third party fee simple title to any real property or improvements to real property made at the Campus.

(g) CONSISTENCY WITH MASTER PLAN.—The Secretary shall ensure that each lease carried out under this section is consistent with the draft master plan approved by the Secretary on January 28, 2016, or successor master plans.

(h) COMPLIANCE WITH CERTAIN LAWS.—

(1) LAWS RELATING TO LEASES AND LAND USE.—If the Inspector General of the Department of Veterans Affairs determines, as part of an audit report or evaluation conducted by the Inspector General, that the Department is not in compliance with all Federal laws relating to leases and land use at the Campus, or that significant mismanagement has occurred with respect to leases or land use at the Campus, the Secretary may not enter into any lease or land-sharing agreement at the Campus, or renew any such lease or land-sharing agreement that is not in compliance with such laws, until the Secretary certifies to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and each Member of the Senate and the House of Representatives who represents the area in which the Campus is located that all recommendations included in the audit report or evaluation have been implemented.

(2) COMPLIANCE OF PARTICULAR LEASES.—Except as otherwise expressly provided by this section, no lease may be entered into or renewed under this section unless the lease complies with chapter 33 of title 41, United States Code, and all Federal laws relating to environmental and historic preservation.

(i) COMMUNITY VETERANS ENGAGEMENT BOARD.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a Community Veterans Engagement Board (in this subsection referred to as the ''Board'') for the Campus to coordinate locally with the Department of Veterans Affairs to—

(A) identify the goals of the community; and

(B) provide advice and recommendations to the Secretary to improve services and outcomes for veterans, members of the Armed Forces, and the families of such veterans and members.

(2) MEMBERS.—The Board shall be comprised of a number of members that the Secretary determines appropriate, of which not less than 50 percent shall be veterans. The nonveteran members shall be family members of veterans, veteran advocates, service providers, or stakeholders.

(3) COMMUNITY INPUT.—In carrying out subparagraphs (A) and (B) of paragraph (1), the Board shall—

(A) provide the community opportunities to collaborate and communicate with the Board, including by conducting public forums on the Campus; and

(B) focus on local issues regarding the Department that are identified by the community, including with respect to health care, benefits, and memorial services at the Campus.

(j) NOTIFICATION AND REPORTS.—

(1) CONGRESSIONAL NOTIFICATION.—With respect to each lease or land-sharing agreement intended to be entered into or renewed at the Campus, the Secretary shall notify the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and each Member of the Senate and the House of Representatives who represents the area in which the Campus is located of the intent of the Secretary to enter into or renew the lease or land-sharing agreement not later

than 45 days before entering into or renewing the lease or land-sharing agreement.

(2) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act, and not less frequently than annually thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and each Member of the Senate and the House of Representatives who represents the area in which the Campus is located an annual report evaluating all leases and land-sharing agreements carried out at the Campus, including—

(A) an evaluation of the management of the revenue generated by the leases; and

(B) the records described in subsection (b)(3)(D).

(3) INSPECTOR GENERAL REPORT.—

(A) IN GENERAL.—Not later than each of two years and five years after the date of the enactment of this Act, and as determined necessary by the Inspector General of the Department of Veterans Affairs thereafter, the Inspector General shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and each Member of the Senate and the House of Representatives who represents the area in which the Campus is located a report on all leases carried out at the Campus and the management by the Department of the use of land at the Campus, including an assessment of the efforts of the Department to implement the master plan described in subsection (g) with respect to the Campus.

(B) CONSIDERATION OF ANNUAL REPORT.—In preparing each report required by subparagraph (A), the Inspector General shall take into account the most recent report submitted to Congress by the Secretary under paragraph (2).

(k) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as a limitation on the authority of the Secretary to enter into other agreements regarding the Campus that are authorized by law and not inconsistent with this section.

(l) PRINCIPALLY BENEFIT VETERANS AND THEIR FAMILIES DEFINED.—In this section the term ''principally benefit veterans and their families'', with respect to services provided by a person or entity under a lease of property or land-sharing agreement—

(1) means services—

(A) provided exclusively to veterans and their families; or

(B) that are designed for the particular needs of veterans and their families, as opposed to the general public, and any benefit of those services to the general public is distinct from the intended benefit to veterans and their families; and

(2) excludes services in which the only benefit to veterans and their families is the generation of revenue for the Department of Veterans Affairs.

(m) CONFORMING AMENDMENTS.—

(1) PROHIBITION ON DISPOSAL OF PROPERTY.—Section 224(a) of the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2272) is amended by striking ''The Secretary of Veterans Affairs'' and inserting ''Except as authorized under section 6451 of the National Defense Authorization Act for Fiscal Year 2017, the Secretary of Veterans Affairs''.

(2) ENHANCED-USE LEASES.—Section 8162(c) of title 38, United States Code, is amended by inserting '', other than an enhanced-use lease under section 6451 of the National Defense Authorization Act for Fiscal Year 2017,'' before ''shall be considered''.

TITLE LXVIII—OTHER VETERANS MATTERS

SEC. 6461. 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 its territorial seas)'' 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 its territorial seas)'' 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 if enacted on September 25, 1985.

TITLE LXIX—OTHER MATTERS

SEC. 6471. TEMPORARY VISA FEE FOR EMPLOYERS WITH MORE THAN 50 PERCENT FOREIGN WORKFORCE.

(a) IN GENERAL.—Section 411 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note), as added by section 402(g) of the James Zadroga 9/11 Victim Compensation Fund Reauthorization Act (title IV of division O of Public Law 114–113), is amended—

(1) by amending to section heading to read as follows: ''**TEMPORARY VISA FEE FOR EMPLOYERS WITH MORE THAN 50 PERCENT FOREIGN WORKFORCE**''; and

(2) by striking subsections (a) and (b) and inserting the following:

''(a) TEMPORARY L VISA FEE INCREASE.—Notwithstanding section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) or any other provision of law, the filing fee required to be submitted with a petition filed under section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L)), except for an amended petition without an extension of stay request, shall be increased by $4,500 for petitioners that employ 50 or more employees in the United States if more than 50 percent of the petitioner's employees are nonimmigrants described in subparagraph (H)(1)(b) or (L) of section 101(a)(15) of such Act. This fee shall also apply to petitioners described in this subsection who file an individual petition on the basis of an approved blanket petition.

''(b) TEMPORARY H-1B VISA FEE INCREASE.—Notwithstanding section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) or any other provision of law, the filing fee required to be submitted with a petition under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)), except for an amended petition without an extension of stay request, shall be increased by $4,000 for petitioners that employ 50 or more employees in the United States if more than 50 percent of the petitioner's employees are nonimmigrants described in subparagraph (H)(1)(b) or (L) of section 101(a)(15) of such Act.''.

(b) EFFECTIVE DATES.—The amendments made by subsection (a)—

(1) shall take effect on the date that is 30 days after the date of the enactment of this Act; and

(2) shall apply to any petition filed during the period beginning on such effective date and ending on September 30, 2025.

SA 4657. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

AMENDMENT NO. 4657

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

SEC. 1247. PROHIBITION ON REQUIRING UNITED STATES AIR CARRIERS TO COMPLY WITH AIR DEFENSE IDENTIFICATION ZONES DECLARED BY THE PEOPLE'S REPUBLIC OF CHINA.

The Administrator of the Federal Aviation Administration shall not promulgate a special rule that requires an air carrier that holds an air carrier certificate issued under chapter 411 of title 49, United States Code, to comply with any air defense identification zone declared by the People's Republic of China that is inconsistent with United States policy, overlaps with preexisting air identification zones, covers disputed territory, or covers a specific geographic area over the East China Sea or South China Sea.

SA 4658. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 4336 submitted by Mr. BROWN and intended to be proposed to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1 of the amendment, strike line 2 and all that follows through page 20, line 6, and insert the following:

Subtitle J—Veterans Matters

PART I—VETERANS CHOICE PROGRAM

SEC. 1097. ESTABLISHMENT OF VETERANS CHOICE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Subchapter I of chapter 17 of title 38, United States Code, is amended by inserting after section 1703 the following new section:

"§ 1703A. Veterans Choice Program

''(a) PROGRAM.—

''(1) FURNISHING OF CARE.—Hospital care and medical services under this chapter shall be furnished to an eligible veteran described in subsection (b), at the election of such veteran, through contracts authorized under subsection (e), or any other law administered by the Secretary, with eligible providers described in subsection (c) for the furnishing of such care and services to veterans. The furnishing of hospital care and medical services under this section may be referred to as the 'Veterans Choice Program'.

''(2) COORDINATION OF CARE AND SERVICES.—The Secretary shall coordinate, through the Non-VA Care Coordination Program of the Department, the furnishing of care and services under this section to eligible veterans, including by ensuring that an eligible veteran receives an appointment for such care and services within the wait-time goals of the Veterans Health Administration for the furnishing of hospital care and medical services.

''(b) ELIGIBLE VETERANS.—A veteran is an eligible veteran for purposes of this section if—

''(1) the veteran is enrolled in the patient enrollment system of the Department established and operated under section 1705 of this title; and

''(2)(A) the veteran is unable to schedule an appointment for the receipt of hospital care

or medical services from a health care provider of the Department within the lesser of—

''(i) the wait-time goals of the Veterans Health Administration for such care or services; or

''(ii) a period determined by a health care provider of the Department to be clinically necessary for the receipt of such care or services;

''(B) the veteran does not reside within 40 miles driving distance from a medical facility of the Department, including a community-based outpatient clinic, with a full-time primary care physician;

''(C) the veteran—

''(i) resides in a State without a medical facility of the Department that provides—

''(I) hospital care;

''(II) emergency medical services; and

''(III) surgical care rated by the Secretary as having a surgical complexity of standard; and

''(ii) does not reside within 20 miles driving distance from a medical facility of the Department described in clause (i);

''(D) the veteran faces an unusual or excessive burden in accessing hospital care or medical services from a medical facility of the Department that is within 40 miles driving distance from the residence of the veteran due to—

''(i) geographical challenges;

''(ii) environmental factors, such as roads that are not accessible to the general public, traffic, or hazardous weather;

''(iii) a medical condition of the veteran that affects the ability to travel; or

''(iv) such other factors as determined by the Secretary;

''(E) the veteran resides in a location, other than a location in Guam, American Samoa, or the Republic of the Philippines, that requires the veteran to travel by air, boat, or ferry to reach a medical facility of the Department, including a community-based outpatient clinic;

''(F) the veteran is enrolled in the pilot program under section 403 of the Veterans' Mental Health and Other Care Improvements Act of 2008 (Public Law 110–387; 38 U.S.C. 1703 note) as of the date on which such pilot program terminates under such section; or

''(G) there is a compelling reason, as determined by the Secretary, that the veteran needs to receive hospital care or medical services from a medical facility other than a medical facility of the Department.

''(c) ELIGIBLE PROVIDERS.—

''(1) IN GENERAL.—A health care provider is an eligible provider for purposes of this section if the health care provider is a health care provider specified in paragraph (2) and meets standards established by the Secretary for purposes of this section, including standards relating to education, certification, licensure, training, and employment history.

''(2) HEALTH CARE PROVIDERS SPECIFIED.—The health care providers specified in this paragraph are the following:

''(A) Any health care provider that is participating in the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), including any physician furnishing services under such program.

''(B) Any health care provider of a Federally-qualified health center (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

''(C) Any health care provider of the Department of Defense.

''(D) Any health care provider of the Indian Health Service.

''(E) Any health care provider of an academic affiliate of the Department of Veterans Affairs.

''(F) Any health care provider of a health system established to serve Alaska Natives.

''(G) Any other health care provider that meets criteria established by the Secretary for purposes of this section.

''(3) CHOICE OF PROVIDER.—An eligible veteran who makes an election under subsection (d) to receive hospital care or medical services under this section may select a provider of such care or services from among the health care providers specified in paragraph (2) that are accessible to the veteran.

''(4) ELIGIBILITY.—To be eligible to furnish care or services under this section, a health care provider must—

''(A) maintain at least the same or similar credentials and licenses as those credentials and licenses that are required of health care providers of the Department, as determined by the Secretary for purposes of this section; and

''(B) submit, not less frequently than annually, verification of such licenses and credentials maintained by such health care provider.

''(5) TIERED NETWORK.—

''(A) IN GENERAL.—To promote the provision of high-quality and high-value health care under this section, the Secretary may develop a tiered provider network of eligible providers based on criteria established by the Secretary for purposes of this section.

''(B) EXCEPTION.—In developing a tiered provider network of eligible providers under subparagraph (A), the Secretary may not prioritize providers in a tier over providers in any other tier in a manner that limits the choice of an eligible veteran in selecting an eligible provider under this section.

''(6) ALASKA NATIVE DEFINED.—In this subsection, the term 'Alaska Native' means a person who is a member of any Native village, Village Corporation, or Regional Corporation, as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

''(d) ELECTION AND AUTHORIZATION.—

''(1) IN GENERAL.—In the case of an eligible veteran described in subsection (b)(2)(A), the Secretary shall, at the election of the veteran—

''(A) provide the veteran an appointment that exceeds the wait-time goals described in such subsection or place such veteran on an electronic waiting list described in paragraph (2) for an appointment for hospital care or medical services the veteran has elected to receive under this section; or

''(B)(i) authorize that such care or services be furnished to the eligible veteran under this section; and

''(ii) notify the eligible veteran by the most effective means available, including electronic communication or notification in writing, describing the care or services the eligible veteran is eligible to receive under this section.

''(2) ELECTRONIC WAITING LIST.—The electronic waiting list described in this paragraph shall be maintained by the Department and allow access by each eligible veteran via www.myhealth.va.gov or any successor website (or other digital channel) for the following purposes:

''(A) To determine the place of such eligible veteran on the waiting list.

''(B) To determine the average length of time an individual spends on the waiting list, disaggregated by medical facility of the Department and type of care or service needed, for purposes of allowing such eligible veteran to make an informed election under paragraph (1).

''(e) CARE AND SERVICES THROUGH CONTRACTS.—

''(1) CONTRACTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall enter into contracts with eligible providers for furnishing care and services to eligible veterans under this section.

''(B) OTHER PROCESSES.—Before entering into a contract under this paragraph, the Secretary shall, to the maximum extent practicable and consistent with the requirements of this section, furnish such care and services to eligible veterans under this section with eligible providers pursuant to sharing agreements, existing contracts entered into by the Secretary, or other processes available at medical facilities of the Department.

''(C) CONTRACT DEFINED.—In this paragraph, the term 'contract' has the meaning given that term in subpart 2.101 of the Federal Acquisition Regulation.

''(2) RATES AND REIMBURSEMENT.—

''(A) IN GENERAL.—In entering into a contract under paragraph (1) with an eligible provider, the Secretary shall—

''(i) negotiate rates for the furnishing of care and services under this section; and

''(ii) reimburse the provider for such care and services at the rates negotiated under clause (i) as provided in such contract.

''(B) LIMIT ON RATES.—

''(i) IN GENERAL.—Except as provided in clause (ii), and to the extent practicable, rates negotiated under subparagraph (A)(i) shall not be more than the rates paid by the United States to a provider of services (as defined in section 1861(u) of the Social Security Act (42 U.S.C. 1395x(u))) or a supplier (as defined in section 1861(d) of such Act (42 U.S.C. 1395x(d))) under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for the same care or services.

''(ii) EXCEPTIONS.—

''(I) IN GENERAL.—The Secretary may negotiate a rate that is more than the rate paid by the United States as described in clause (i) with respect to the furnishing of care or services under this section to an eligible veteran who resides in a highly rural area.

''(II) OTHER EXCEPTIONS.—

''(aa) ALASKA.—With respect to furnishing care or services under this section in Alaska, the Alaska Fee Schedule of the Department shall be followed, except for when another payment agreement, including a contract or provider agreement, is in place, in which case rates for reimbursement shall be set forth under such payment agreement.

''(bb) OTHER STATES.—With respect to care or services furnished under this section in a State with an All-Payer Model Agreement in effect under the Social Security Act (42 U.S.C. 301 et seq.), the Medicare payment rates under clause (i) shall be calculated based on the payment rates under such agreement.

''(III) HIGHLY RURAL AREA DEFINED.—In this clause, the term 'highly rural area' means an area located in a county that has fewer than seven individuals residing in that county per square mile.

''(C) LIMIT ON COLLECTION.—For the furnishing of care or services pursuant to a contract under paragraph (1), an eligible provider may not collect any amount that is greater than the rate negotiated pursuant to subparagraph (A)(i).

''(D) VALUE-BASED REIMBURSEMENT.—In negotiating rates for the furnishing of care and services under this section, the Secretary may incorporate the use of value-based reimbursement models to promote the provision of high-quality care.

''(f) RESPONSIBILITY FOR COSTS OF CERTAIN CARE.—In any case in which an eligible veteran is furnished hospital care or medical services under this section for a non-service-connected disability described in subsection (a)(2) of section 1729 of this title, the Secretary may recover or collect reasonable

charges for such care or services from a health-plan contract (as defined in subsection (i) of such section 1729) in accordance with such section 1729.

''(g) VETERANS CHOICE CARD.—

''(1) IN GENERAL.—Except as provided in paragraph (5), for purposes of receiving care and services under this section, the Secretary shall issue to each veteran described in subsection (b)(1) a card that may be presented to a health care provider to facilitate the receipt of care or services under this section.

''(2) NAME OF CARD.—Each card issued under paragraph (1) shall be known as a 'Veterans Choice Card'.

''(3) DETAILS OF CARD.—Each Veterans Choice Card issued to a veteran under paragraph (1) shall include the following:

''(A) The name of the veteran.

''(B) An identification number for the veteran that is not the social security number of the veteran.

''(C) The contact information of an appropriate office of the Department for health care providers to confirm that care or services under this section are authorized for the veteran.

''(D) Contact information and other relevant information for the submittal of claims or bills for the furnishing of care or services under this section.

''(E) The following statement: 'This card is for qualifying medical care outside the Department of Veterans Affairs. Please call the Department of Veterans Affairs phone number specified on this card to ensure that treatment has been authorized.'.

''(4) INFORMATION ON USE OF CARD.—Upon issuing a Veterans Choice Card to a veteran, the Secretary shall provide the veteran with information clearly stating the circumstances under which the veteran may be eligible for care or services under this section.

''(5) PREVIOUS PROGRAM.—A Veterans Choice Card issued under section 101 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note), as in effect on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, shall be sufficient for purposes of receiving care and services under this section and the Secretary is not required to reissue a Veterans Choice Card under paragraph (1) to any veteran that has such a card issued under such section 101.

''(h) INFORMATION ON AVAILABILITY OF CARE.—The Secretary shall provide information to a veteran about the availability of care and services under this section in the following circumstances:

''(1) When the veteran enrolls in the patient enrollment system of the Department established and operated under section 1705 of this title.

''(2) When the veteran attempts to schedule an appointment for the receipt of hospital care or medical services from the Department but is unable to schedule an appointment within the wait-time goals of the Veterans Health Administration for the furnishing of such care or services.

''(3) When the veteran becomes eligible for hospital care or medical services under this section under subparagraph (B), (C), (D), (E), (F), or (G) of subsection (b)(2).

''(i) FOLLOW-UP CARE.—The Secretary shall ensure that, at the election of an eligible veteran who receives hospital care or medical services from an eligible provider in an episode of care under this section, the veteran receives such care or services from that provider or another health care provider selected by the veteran, including a health care provider of the Department, through the completion of the episode of care, including all specialty and ancillary services deemed necessary as part of the treatment recommended in the course of such care or services.

''(j) COST-SHARING.—

''(1) IN GENERAL.—The Secretary shall require an eligible veteran to pay a copayment for the receipt of care or services under this section only if such eligible veteran would be required to pay a copayment for the receipt of such care or services at a medical facility of the Department or from a health care provider of the Department under this chapter.

''(2) LIMITATION.—The amount of a copayment charged under paragraph (1) may not exceed the amount of the copayment that would be payable by such eligible veteran for the receipt of such care or services at a medical facility of the Department or from a health care provider of the Department under this chapter.

''(k) CLAIMS PROCESSING SYSTEM.—

''(1) IN GENERAL.—The Secretary shall provide for an efficient nationwide system for prompt processing and paying of bills or claims for authorized care and services furnished to eligible veterans under this section.

''(2) ACCURACY OF PAYMENT.—

''(A) IN GENERAL.—The Secretary shall ensure that such system meets such goals for accuracy of payment as the Secretary shall specify for purposes of this section.

''(B) ANNUAL REPORT.—

''(i) IN GENERAL.—Not less frequently than annually, 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 on the accuracy of such system.

''(ii) ELEMENTS.—Each report required by clause (i) shall include the following:

''(I) A description of the goals for accuracy for such system specified by the Secretary under subparagraph (A).

''(II) An assessment of the success of the Department in meeting such goals during the year covered by the report.

''(l) DISCLOSURE OF INFORMATION.—For purposes of section 7332(b)(1) of this title, an election by an eligible veteran to receive care or services under this section shall serve as written consent for the disclosure of information to health care providers for purposes of treatment under this section.

''(m) MEDICAL RECORDS.—

''(1) IN GENERAL.—The Secretary shall ensure that any eligible provider that furnishes care or services under this section to an eligible veteran submits to the Department a copy of any medical record related to the care or services provided to such veteran by such provider for inclusion in the electronic medical record of such veteran maintained by the Department upon the completion of the provision of such care or services to such veteran.

''(2) ELECTRONIC FORMAT.—Any medical record submitted to the Department under paragraph (1) shall, to the extent possible, be in an electronic format.

''(n) RECORDS NOT REQUIRED FOR REIMBURSEMENT.—With respect to care or services furnished to an eligible veteran by an eligible provider under this section, the receipt by the Department of a medical record under subsection (m) detailing such care or services is not required before reimbursing the provider for such care or services.

''(o) TRACKING OF MISSED APPOINTMENTS.—The Secretary shall implement a mechanism to track any missed appointments for care or services under this section by eligible veterans to ensure that the Department does not pay for such care or services that were not furnished to an eligible veteran.

''(p) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter the process of the Department for filling and paying for prescription medications.

''(q) WAIT-TIME GOALS OF THE VETERANS HEALTH ADMINISTRATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), in this section, the term 'wait-time goals of the Veterans Health Administration' means not more than 30 days from the date on which a veteran requests an appointment for hospital care or medical services from the Department.

''(2) ALTERNATE GOALS.—If the Secretary submits to Congress a report stating that the actual wait-time goals of the Veterans Health Administration are different from the wait-time goals specified in paragraph (1)—

''(A) for purposes of this section, the wait-time goals of the Veterans Health Administration shall be the wait-time goals submitted by the Secretary under this paragraph; and

''(B) the Secretary shall publish such wait-time goals in the Federal Register and on an Internet website of the Department available to the public.

''(r) WAIVER OF CERTAIN PRINTING REQUIREMENTS.—Section 501 of title 44 shall not apply in carrying out this section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1703 the following new item:

''1703A. Veterans Choice Program.''.

(3) CONFORMING REPEAL OF SUPERSEDED AUTHORITY.—

(A) IN GENERAL.—Section 101 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note) is repealed.

(B) CONFORMING AMENDMENT.—Section 208(1) of such Act is amended by striking ''section 101'' and inserting ''section 1703A of title 38, United States Code''.

(C) EFFECTIVE DATE.—

(i) IN GENERAL.—The amendments made by this paragraph shall take effect on the date on which the Secretary of Veterans Affairs begins implementation of section 1703A of title 38, United States Code as added by paragraph (1).

(ii) PUBLICATION.—The Secretary shall publish the date specified in clause (i) in the Federal Register and on an publicly available Internet website of the Department of Veterans Affairs not later than 30 days before such date.

(4) REPORT.—Not later than one year after the date of the enactment of this Act , the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the furnishing of care and services under section 1703A of title 38, United States Code, as added by paragraph (1), that includes the following:

(A) The total number of veterans who have received care or services under this section, disaggregated by—

(i) eligible veterans described in subsection (b)(2)(A) of such section;

(ii) eligible veterans described in subsection (b)(2)(B) of such section;

(iii) eligible veterans described in subsection (b)(2)(C) of such section;

(iv) eligible veterans described in subsection (b)(2)(D) of such section;

(v) eligible veterans described in subsection (b)(2)(E) of such section;

(vi) eligible veterans described in subsection (b)(2)(F) of such section; and

(vii) eligible veterans described in subsection (b)(2)(G) of such section.

(B) A description of the types of care and services furnished to veterans under such section.

(C) An accounting of the total cost of furnishing care and services to veterans under such section.

(D) The results of a survey of veterans who have received care or services under such section on the satisfaction of such veterans with the care or services received by such veterans under such section.

(E) An assessment of the effect of furnishing care and services under such section on wait times for appointments for the receipt of hospital care and medical services from the Department of Veterans Affairs.

(b) CLASSIFICATION OF SERVICES.—Services provided under the following programs, contracts, and agreements shall be considered services provided under the Veterans Choice Program established under section 1703A of title 38, United States Code, as added by subsection (a)(1):

(1) The Patient-Centered Community Care program (commonly referred to as ''PC3'').

(2) Contracts through the retail pharmacy network of the Department.

(3) Veterans Care Agreements under section 1703C of title 38, United States Code, as added by section 1097D(a).

(4) Health care agreements with Federal entities or entities funded by the Federal Government, including the Department of Defense, the Indian Health Service, tribal health programs, Federally-qualified health centers (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))), and academic teaching affiliates.

(c) ESTABLISHMENT OF CRITERIA AND STANDARDS FOR NON-DEPARTMENT CARE.—

(1) IN GENERAL.—Not later than December 31, 2017, the Secretary of Veterans Affairs shall establish consistent criteria and standards—

(A) for purposes of determining eligibility of non-Department of Veterans Affairs health care providers to provide health care under the laws administered by the Secretary, including standards relating to education, certification, licensure, training, and employment history; and

(B) for the reimbursement of such health care providers for care or services provided under the laws administered by the Secretary, which to the extent practicable shall—

(i) except as provided in clauses (ii) and (iii), use rates for reimbursement that are not more than the rates paid by the United States to a provider of services (as defined in section 1861(u) of the Social Security Act (42 U.S.C. 1395x(u))) under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for the same care or services;

(ii) with respect to care or services provided in Alaska, use rates for reimbursement set forth in the Alaska Fee Schedule of the Department of Veterans Affairs, except for when another payment agreement, including a contract or provider agreement, is in place, in which case use rates for reimbursement set forth under such payment agreement;

(iii) with respect to care or services provided in a State with an All-Payer Model Agreement in effect under the Social Security Act (42 U.S.C. 301 et seq.), use rates for reimbursement based on the payment rates under such agreement;

(iv) incorporate the use of value-based reimbursement models to promote the provision of high-quality care to improve health outcomes and the experience of care for veterans; and

(v) be consistent with prompt payment standards required of Federal agencies under chapter 39 of title 31, United States Code.

(2) INAPPLICABILITY TO CERTAIN CARE.—The criteria and standards established under paragraph (1) shall not apply to care or services furnished under section 1703A of title 38, United States Code, as added by subsection (a)(1).

SEC. 1097A. FUNDING FOR VETERANS CHOICE PROGRAM.

(a) IN GENERAL.—All amounts required to carry out the Veterans Choice Program shall be derived from the appropriations account described in section 4003 of the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 (Public Law 114–41; 38 U.S.C. 1701 note).

(b) TRANSFER OF AMOUNTS.—

(1) IN GENERAL.—All amounts in the Veterans Choice Fund under section 802 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note) shall be transferred to the appropriations account described in section 4003 of the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 (Public Law 114–41; 38 U.S.C. 1701 note).

(2) CONFORMING REPEAL.—

(A) IN GENERAL.—Section 802 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note) is repealed.

(B) CONFORMING AMENDMENT.—Section 4003 of the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 (Public Law 114–41; 38 U.S.C. 1701 note) is amended by striking ''to be comprised of'' and all that follows and inserting ''to be comprised of discretionary medical services funding that is designated for hospital care and medical services furnished at non-Department facilities''.

(c) VETERANS CHOICE PROGRAM DEFINED.—In this section, the term ''Veterans Choice Program'' means—

(1) the program under section 1703A of title 38, United States Code, as added by section 1097(a)(1); and

(2) the programs, contracts, and agreements of the Department described in section 1097(b).

SEC. 1097B. PAYMENT OF HEALTH CARE PROVIDERS UNDER VETERANS CHOICE PROGRAM.

(a) PAYMENT OF PROVIDERS.—

(1) IN GENERAL.—Subchapter I of chapter 17 of title 38, United States Code, as amended by section 1097(a)(1), is further amended by inserting after section 1703A the following new section:

''§ 1703B. Veterans Choice Program: payment of health care providers

''(a) PROMPT PAYMENT COMPLIANCE.—The Secretary shall ensure that payments made to health care providers under the Veterans Choice Program comply with chapter 39 of title 31 (commonly referred to as the 'Prompt Payment Act') and the requirements of this section. If there is a conflict between the requirements of the Prompt Payment Act and the requirements of this section, the Secretary shall comply with the requirements of this section.

''(b) SUBMITTAL OF CLAIM.—(1) A health care provider that seeks reimbursement under this section for care or services furnished under the Veterans Choice Program shall submit to the Secretary a claim for reimbursement not later than 180 days after furnishing such care or services.

''(2) On and after January 1, 2019, the Secretary shall not accept any claim under this section that is submitted to the Secretary in a manner other than electronically.

''(c) PAYMENT SCHEDULE.—(1) The Secretary shall reimburse a health care provider for care or services furnished under the Veterans Choice Program—

''(A) in the case of a clean claim submitted to the Secretary electronically, not later than 30 days after receiving the claim; or

''(B) in the case of a clean claim submitted to the Secretary in a manner other than electronically, not later than 45 days after receiving the claim.

''(2)(A) If the Secretary determines that a claim received from a health care provider for care or services furnished under the Veterans Choice Program is a non-clean claim, the Secretary shall submit to the provider, not later than 30 days after receiving the claim—

''(i) a notification that the claim is a non-clean claim;

''(ii) an explanation of why the claim has been determined to be a non-clean claim; and

''(iii) an identification of the information or documentation that is required to make the claim a clean claim.

''(B) If the Secretary does not comply with the requirements of subparagraph (A) with respect to a claim, the claim shall be deemed a clean claim for purposes of paragraph (1).

''(3) Upon receipt by the Secretary of information or documentation described in paragraph (2)(A)(iii) with respect to a claim, the Secretary shall reimburse a health care provider for care or services furnished under the Veterans Choice Program—

''(A) in the case of a claim submitted to the Secretary electronically, not later than 30 days after receiving such information or documentation; or

''(B) in the case of claim submitted to the Secretary in a manner other than electronically, not later than 45 days after receiving such information or documentation.

''(4) If the Secretary fails to comply with the deadlines for payment set forth in this subsection with respect to a claim, interest shall accrue on the amount owed under such claim in accordance with section 3902 of title 31, United States Code.

''(d) INFORMATION AND DOCUMENTATION REQUIRED.—(1) The Secretary shall provide to all health care providers participating in the Veterans Choice Program a list of information and documentation that is required to establish a clean claim under this section.

''(2) The Secretary shall consult with entities in the health care industry, in the public and private sector, to determine the information and documentation to include in the list under paragraph (1).

''(3) If the Secretary modifies the information and documentation included in the list under paragraph (1), the Secretary shall notify all health care providers participating in the Veterans Choice Program not later than 30 days before such modifications take effect.

''(e) DEFINITIONS.—In this section:

''(1) The term 'clean claim' means a claim for reimbursement for care or services furnished under the Veterans Choice Program, on a nationally recognized standard format, that includes the information and documentation necessary to adjudicate the claim.

''(2) The term 'non-clean claim' means a claim for reimbursement for care or services furnished under the Veterans Choice Program, on a nationally recognized standard format, that does not include the information and documentation necessary to adjudicate the claim.

''(3) The term 'Veterans Choice Program' means—

''(A) the program under section 1703A of this title; and

''(B) the programs, contracts, and agreements of the Department described in section 1097(b) of the National Defense Authorization Act for Fiscal Year 2017.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title, as amended by section 1097(a)(2), is further amended by inserting after the item related to section 1703A the following new item:

''1703B. Veterans Choice Program: payment of health care providers.''.

(b) ELECTRONIC SUBMITTAL OF CLAIMS FOR REIMBURSEMENT.—

(1) PROHIBITION ON ACCEPTANCE OF NON-ELECTRONIC CLAIMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), on and after January 1, 2019, the Secretary of Veterans Affairs shall not accept any claim for reimbursement under section 1703B of title 38, United States Code, as added by subsection (a), that is submitted to the Secretary in a manner other than electronically, including medical records in connection with such a claim.

(B) EXCEPTION.—If the Secretary determines that accepting claims and medical records in a manner other than electronically is necessary for the timely processing of claims for reimbursement under such section 1703B due to a failure or serious malfunction of the electronic interface established under paragraph (2), the Secretary—

(i) after determining that such a failure or serious malfunction has occurred, may accept claims and medical records in a manner other than electronically for a period not to exceed 90 days; and

(ii) shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report setting forth—

(I) the reason for accepting claims and medical records in a manner other than electronically;

(II) the duration of time that the Department of Veterans Affairs will accept claims and medical records in a manner other than electronically; and

(III) the steps that the Department is taking to resolve such failure or malfunction.

(2) ELECTRONIC INTERFACE.—

(A) IN GENERAL.—Not later than January 1, 2019, the Chief Information Officer of the Department of Veterans Affairs shall establish an electronic interface for health care providers to submit claims for reimbursement under such section 1703B.

(B) FUNCTIONS.—The electronic interface established under subparagraph (A) shall include the following functions:

(i) A function through which a health care provider may input all relevant data required for claims submittal and reimbursement.

(ii) A function through which a health care provider may upload medical records to accompany a claim for reimbursement.

(iii) A function through which a health care provider may ascertain the status of a pending claim for reimbursement that—

(I) indicates whether the claim is a clean claim or a non-clean claim; and

(II) in the event that a submitted claim is indicated as a non-clean claim, provides—

(aa) an explanation of why the claim has been determined to be a non-clean claim; and

(bb) an identification of the information or documentation that is required to make the claim a clean claim.

(iv) A function through which a health care provider is notified when a claim for reimbursement is accepted or rejected.

(v) Such other features as the Secretary considers necessary.

(C) PROTECTION OF INFORMATION.—

(i) IN GENERAL.—The electronic interface established under subparagraph (A) shall be developed and implemented based on industry-accepted information security and privacy engineering principles and best practices and shall provide for the following:

(I) The elicitation, analysis, and prioritization of functional and nonfunctional information security and privacy requirements for such interface, including specific security and privacy services and architectural requirements relating to security and privacy based on a thorough analysis of all reasonably anticipated cyber and noncyber threats to the security and privacy of electronic protected health information made available through such interface.

(II) The elicitation, analysis, and prioritization of secure development requirements relating to such interface.

(III) The assurance that the prioritized information security and privacy requirements of such interface—

(aa) are correctly implemented in the design and implementation of such interface throughout the system development lifecycle; and

(bb) satisfy the information objectives of such interface relating to security and privacy throughout the system development lifecycle.

(ii) DEFINITIONS.—In this subparagraph:

(I) ELECTRONIC PROTECTED HEALTH INFORMATION.—The term ''electronic protected health information'' has the meaning given that term in section 160.103 of title 45, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

(II) SECURE DEVELOPMENT REQUIREMENTS.—The term ''secure development requirements'' means, with respect to the electronic interface established under subparagraph (A), activities that are required to be completed during the system development lifecycle of such interface, such as secure coding principles and test methodologies.

(3) ANALYSIS OF AVAILABLE TECHNOLOGY FOR ELECTRONIC INTERFACE.—

(A) IN GENERAL.—Not later than January 1, 2017, or before entering into a contract to procure or design and build the electronic interface described in paragraph (2) or making a decision to internally design and build such electronic interface, whichever occurs first, the Secretary shall—

(i) conduct an analysis of commercially available technology that may satisfy the requirements of such electronic interface set forth in such paragraph; and

(ii) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report setting forth such analysis.

(B) ELEMENTS.—The report required under subparagraph (A)(ii) shall include the following:

(i) An evaluation of commercially available systems that may satisfy the requirements of paragraph (2).

(ii) The estimated cost of procuring a commercially available system if a suitable commercially available system exists.

(iii) If no suitable commercially available system exists, an assessment of the feasibility of modifying a commercially available system to meet the requirements of paragraph (2), including the estimated cost associated with such modifications.

(iv) If no suitable commercially available system exists and modifying a commercially available system is not feasible, an assessment of the estimated cost and time that would be required to contract with a commercial entity to design and build an electronic interface that meets the requirements of paragraph (2).

(v) If the Secretary determines that the Department has the capabilities required to design and build an electronic interface that meets the requirements of paragraph (2), an assessment of the estimated cost and time that would be required to design and build such electronic interface.

(vi) A description of the decision of the Secretary regarding how the Department plans to establish the electronic interface required under paragraph (2) and the justification of the Secretary for such decision.

(4) LIMITATION ON USE OF AMOUNTS.—The Secretary may not spend any amounts to procure or design and build the electronic interface described in paragraph (2) until the date that is 60 days after the date on which the Secretary submits the report required under paragraph (3)(A)(ii).

SEC. 1097C. TERMINATION OF CERTAIN PROVISIONS AUTHORIZING CARE TO VETERANS THROUGH NON-DEPARTMENT OF VETERANS AFFAIRS PROVIDERS.

(a) TERMINATION OF AUTHORITY TO CONTRACT FOR CARE IN NON-DEPARTMENT FACILITIES.—

(1) IN GENERAL.—Section 1703 of title 38, United States Code, is amended by adding at the end the follow new subsection:

''(e) The authority of the Secretary under this section terminates on December 31, 2017.''.

(2) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—

(i) DENTAL CARE.—Section 1712(a) of such title is amended—

(I) in paragraph (3), by striking ''under clause (1), (2), or (5) of section 1703(a) of this title'' and inserting ''under the Veterans Choice Program (as defined in section 1703B(e) of this title)''; and

(II) in paragraph (4)(A), in the first sentence—

(aa) by striking ''and section 1703 of this title'' and inserting ''and the Veterans Choice Program (as defined in section 1703B(e) of this title)''; and

(bb) by striking ''in section 1703 of this title'' and inserting ''under the Veterans Choice Program''.

(ii) READJUSTMENT COUNSELING.—Section 1712A(e)(1) of such title is amended by striking ''(under sections 1703(a)(2) and 1710(a)(1)(B) of this title)'' and inserting ''(under the Veterans Choice Program (as defined in section 1703B(e) of this title) and section 1710(a)(1)(B) of this title)''.

(iii) DEATH IN DEPARTMENT FACILITY.—Section 2303(a)(2)(B)(i) of such title is amended by striking ''in accordance with section 1703'' and inserting ''under the Veterans Choice Program (as defined in section 1703B(e) of this title)''.

(iv) MEDICARE PROVIDER AGREEMENTS.—Section 1866(a)(1)(L) of the Social Security Act (42 U.S.C. 1395cc(a)(1)(L)) is amended—

(I) by striking ''under section 1703 of title 38'' and inserting ''under the Veterans Choice Program (as defined in section 1703B(e) of title 38, United States Code)''; and

(II) by striking ''such section'' and inserting ''such program''.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect on January 1, 2018.

(b) REPEAL OF AUTHORITY TO CONTRACT FOR SCARCE MEDICAL SPECIALISTS.—

(1) IN GENERAL.—Section 7409 of such title is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 74 of such title is amended by striking the item relating to section 7409.

PART II—HEALTH CARE ADMINISTRATIVE MATTERS

Subpart A—Care From Non-Department Providers

SEC. 1097D. AUTHORIZATION OF AGREEMENTS BETWEEN THE DEPARTMENT OF VETERANS AFFAIRS AND NON-DEPARTMENT PROVIDERS.

(a) IN GENERAL.—Subchapter I of chapter 17 of title 38, United States Code, as amended by section 1097B(a)(1), is further amended by inserting after section 1703B the following new section:

''§ 1703C. Veterans Care Agreements

''(a) AGREEMENTS TO FURNISH CARE.—(1) In addition to the authority of the Secretary under this chapter to furnish hospital care, medical services, and extended care at facilities of the Department and under contracts

or sharing agreements entered into under authorities other than this section, the Secretary may furnish hospital care, medical services, and extended care through the use of agreements entered into under this section. An agreement entered into under this section may be referred to as a 'Veterans Care Agreement'.

''(2)(A) The Secretary may enter into agreements under this section with eligible providers that are certified under subsection (d) if the Secretary is not feasibly able to furnish care or services described in paragraph (1) at facilities of the Department.

''(B) The Secretary is not feasibly able to furnish care or services described in paragraph (1) at facilities of the Department if the Secretary determines that the medical condition of the veteran, the travel involved, the nature of the care or services required, or a combination of those factors make the use of facilities of the Department impracticable or inadvisable.

''(b) RECEIPT OF CARE.—Eligibility of a veteran under this section for care or services described in paragraph (1) shall be determined as if such care or services were furnished in a facility of the Department and provisions of this title applicable to veterans receiving such care or services in a facility of the Department shall apply to veterans receiving such care or services under this section.

''(c) ELIGIBLE PROVIDERS.—For purposes of this section, an eligible provider is one of the following:

''(1) A provider of services that has enrolled and entered into a provider agreement under section 1866(a) of the Social Security Act (42 U.S.C. 1395cc(a)).

''(2) A physician or supplier that has enrolled and entered into a participation agreement under section 1842(h) of such Act (42 U.S.C. 1395u(h)).

''(3) A provider of items and services receiving payment under a State plan under title XIX of such Act (42 U.S.C. 1396 et seq.) or a waiver of such a plan.

''(4) A health care provider that is—

''(A) an Aging and Disability Resource Center, an area agency on aging, or a State agency (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)); or

''(B) a center for independent living (as defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a)).

''(5) A provider that is located in—

''(A) an area that is designated as a health professional shortage area (as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e)); or

''(B) a county that is not in a metropolitan statistical area.

''(6) Such other health care providers as the Secretary considers appropriate for purposes of this section.

''(d) CERTIFICATION OF ELIGIBLE PROVIDERS.—(1) The Secretary shall establish a process for the certification of eligible providers under this section that shall, at a minimum, set forth the following.

''(A) Procedures for the submittal of applications for certification and deadlines for actions taken by the Secretary with respect to such applications.

''(B) Standards and procedures for approval and denial of certification, duration of certification, revocation of certification, and recertification.

''(C) Procedures for assessing eligible providers based on the risk of fraud, waste, and abuse of such providers similar to the level of screening under section 1866(j)(2)(B) of the Social Security Act (42 U.S.C. 1395cc(j)(2)(B)) and the standards set forth under section 9.104 of title 48, Code of Federal Regulations, or any successor regulation.

''(2) The Secretary shall deny or revoke certification to an eligible provider under this subsection if the Secretary determines that the eligible provider is currently—

''(A) excluded from participation in a Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f))) under section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a–7 and 1320a–7a); or

''(B) identified as an excluded source on the list maintained in the System for Award Management, or any successor system.

''(e) TERMS OF AGREEMENTS.—Each agreement entered into with an eligible provider under this section shall include provisions requiring the eligible provider to do the following:

''(1) To accept payment for care or services furnished under this section at rates established by the Secretary for purposes of this section, which shall be, to the extent practicable, the rates paid by the United States for such care or services to providers of services and suppliers under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

''(2) To accept payment under paragraph (1) as payment in full for care or services furnished under this section and to not seek any payment for such care or services from the recipient of such care or services.

''(3) To furnish under this section only the care or services authorized by the Department under this section unless the eligible provider receives prior written consent from the Department to furnish care or services outside the scope of such authorization.

''(4) To bill the Department for care or services furnished under this section in accordance with a methodology established by the Secretary for purposes of this section.

''(5) Not to seek to recover or collect from a health-plan contract or third party, as those terms are defined in section 1729 of this title, for any care or services for which payment is made by the Department under this section.

''(6) To provide medical records for veterans furnished care or services under this section to the Department in a time frame and format specified by the Secretary for purposes of this section.

''(7) To meet such other terms and conditions, including quality of care assurance standards, as the Secretary may specify for purposes of this section.

''(f) TERMINATION OF AGREEMENTS.—(1) An eligible provider may terminate an agreement with the Secretary under this section at such time and upon such notice to the Secretary as the Secretary may specify for purposes of this section.

''(2) The Secretary may terminate an agreement with an eligible provider under this section at such time and upon such notice to the eligible provider as the Secretary may specify for purposes of this section, if the Secretary—

''(A) determines that the eligible provider failed to comply substantially with the provisions of the agreement or with the provisions of this section and the regulations prescribed thereunder;

''(B) determines that the eligible provider is—

''(i) excluded from participation in a Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f))) under section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a–7 and 1320a–7a); or

''(ii) identified as an excluded source on the list maintained in the System for Award Management, or any successor system;

''(C) ascertains that the eligible provider has been convicted of a felony or other serious offense under Federal or State law and determines that the continued participation of the eligible provider would be detrimental to the best interests of veterans or the Department; or

''(D) determines that it is reasonable to terminate the agreement based on the health care needs of a veteran or veterans.

''(g) PERIODIC REVIEW OF CERTAIN AGREEMENTS.—(1) Not less frequently than once every two years, the Secretary shall review each Veterans Care Agreement of material size entered into during the two-year period preceding the review to determine whether it is feasible and advisable to furnish the hospital care, medical services, or extended care furnished under such agreement at facilities of the Department or through contracts or sharing agreements entered into under authorities other than this section.

''(2)(A) Subject to subparagraph (B), a Veterans Care Agreement is of material size as determined by the Secretary for purposes of this section.

''(B) A Veterans Care Agreement entered into after September 30, 2016, for the purchase of extended care services is of material size if the purchase of such services under the agreement exceeds $1,000,000 annually. The Secretary may adjust such amount to account for changes in the cost of health care based upon recognized health care market surveys and other available data and shall publish any such adjustments in the Federal Register.

''(h) TREATMENT OF CERTAIN LAWS.—(1) An agreement under this section may be entered into without regard to any law that would require the Secretary to use competitive procedures in selecting the party with which to enter into the agreement.

''(2)(A) Except as provided in subparagraph (B) and unless otherwise provided in this section or regulations prescribed pursuant to this section, an eligible provider that enters into an agreement under this section is not subject to, in the carrying out of the agreement, any law to which an eligible provider described in subsection (b)(1), (b)(2), or (b)(3) is not subject under the original Medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) or the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.).

''(B) The exclusion under subparagraph (A) does not apply to laws regarding integrity, ethics, fraud, or that subject a person to civil or criminal penalties.

''(3) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) shall apply with respect to an eligible provider that enters into an agreement under this section to the same extent as such title applies with respect to the eligible provider in providing care or services through an agreement or arrangement other than under this section.

''(i) MONITORING OF QUALITY OF CARE.—The Secretary shall establish a system or systems, consistent with survey and certification procedures used by the Centers for Medicare & Medicaid Services and State survey agencies to the extent practicable—

''(1) to monitor the quality of care and services furnished to veterans under this section; and

''(2) to assess the quality of care and services furnished by an eligible provider under this section for purposes of determining whether to renew an agreement under this section with the eligible provider.

''(j) DISPUTE RESOLUTION.—The Secretary shall establish administrative procedures for eligible providers with which the Secretary has entered into an agreement under this section to present any dispute arising under or related to the agreement.''.

(b) REGULATIONS.—The Secretary of Veterans Affairs shall prescribe an interim final rule to carry out section 1703C of such title, as added by subsection (a), not later than

one year after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title, as amended by section 1097B(a)(2), is further amended by inserting after the item related to section 1703B the following new item:

''1703C. Veterans Care Agreements.''.

SEC. 1097E. MODIFICATION OF AUTHORITY TO ENTER INTO AGREEMENTS WITH STATE HOMES TO PROVIDE NURSING HOME CARE.

(a) USE OF AGREEMENTS.—

(1) IN GENERAL.—Paragraph (1) of section 1745(a) of title 38, United States Code, is amended, in the matter preceding subparagraph (A), by striking ''a contract (or agreement under section 1720(c)(1) of this title)'' and inserting ''an agreement''.

(2) PAYMENT.—Paragraph (2) of such section is amended by striking ''contract (or agreement)'' each place it appears and inserting ''agreement''.

(b) TREATMENT OF CERTAIN LAWS.—Such section is amended by adding at the end the following new paragraph:

''(4)(A) An agreement under this section may be entered into without regard to any law that would require the Secretary to use competitive procedures in selecting the party with which to enter into the agreement.

''(B)(i) Except as provided in clause (ii) and unless otherwise provided in this section or in regulations prescribed pursuant to this section, a State home that enters into an agreement under this section is not subject to, in the carrying out of the agreement, any law to which providers of services and suppliers are not subject under the original Medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) or the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.).

''(ii) The exclusion under clause (i) does not apply to laws regarding integrity, ethics, fraud, or that subject a person to civil or criminal penalties.

''(C) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) shall apply with respect to a State home that enters into an agreement under this section to the same extent as such title applies with respect to the State home in providing care or services through an agreement or arrangement other than under this section.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to agreements entered into under section 1745 of such title on and after the date on which the regulations prescribed by the Secretary of Veterans Affairs to implement such amendments take effect.

(2) PUBLICATION.—The Secretary shall publish the date described in paragraph (1) in the Federal Register not later than 30 days before such date.

SEC. 1097F. EXPANSION OF REIMBURSEMENT FOR EMERGENCY TREATMENT AND URGENT CARE.

(a) IN GENERAL.—Section 1725 of title 38, United States Code, is amended to read as follows:

''§ 1725. Reimbursement for emergency treatment and urgent care

''(a) IN GENERAL.—(1) Subject to the provisions of this section, the Secretary shall reimburse a veteran described in subsection (b) for the reasonable value of emergency treatment or urgent care furnished the veteran in a non-Department facility.

''(2) In any case in which reimbursement of a veteran is authorized under paragraph (1), the Secretary may, in lieu of reimbursing the veteran, make payment of the reasonable value of the furnished emergency treatment or urgent care directly—

''(A) to the hospital or other health care provider that furnished the treatment or care; or

''(B) to the person or organization that paid for such treatment or care on behalf of the veteran.

''(3) Notwithstanding section 111 of this title, reimbursement for the reasonable value of emergency treatment or urgent care under this section shall include reimbursement for the reasonable value of transportation for such emergency treatment or urgent care.

''(b) ELIGIBILITY.—A veteran described in this subsection is an individual who—

''(1) is enrolled in the patient enrollment system of the Department established and operated under section 1705 of this title; and

''(2) has received care under this chapter during the 24-month period preceding the furnishing of the emergency treatment or urgent care for which reimbursement is sought under this section.

''(c) RESPONSIBILITY FOR PAYMENT.—The Secretary shall be the primary payer with respect to reimbursing or otherwise paying the reasonable value of emergency treatment or urgent care under this section.

''(d) LIMITATIONS ON PAYMENT.—(1) The Secretary, in accordance with regulations prescribed by the Secretary for purposes of this section, shall—

''(A) establish the maximum amount payable under subsection (a); and

''(B) delineate the circumstances under which such payments may be made, including such requirements on requesting reimbursement as the Secretary may establish.

''(2)(A) Payment by the Secretary under this section on behalf of a veteran to a provider of emergency treatment or urgent care shall, unless rejected and refunded by the provider within 30 days of receipt—

''(i) constitute payment in full for the emergency treatment or urgent care provided; and

''(ii) extinguish any liability on the part of the veteran for that treatment or care.

''(B) Neither the absence of a contract or agreement between the Secretary and a provider of emergency treatment or urgent care nor any provision of a contract, agreement, or assignment to the contrary shall operate to modify, limit, or negate the requirements of subparagraph (A).

''(C) An individual or entity may not seek to recover from any third party the cost of emergency treatment or urgent care for which the Secretary has made payment under this section.

''(e) RECOVERY.—The United States has an independent right to recover or collect reasonable charges for emergency treatment or urgent care furnished under this section in accordance with the provisions of section 1729 of this title.

''(f) COPAYMENTS.—(1) Except as provided in paragraph (2), a veteran shall pay to the Department a copayment (in an amount prescribed by the Secretary for purposes of this section) for each episode of emergency treatment or urgent care for which reimbursement is provided to the veteran under this section.

''(2) The requirement under paragraph (1) to pay a copayment does not apply to a veteran who—

''(A) would not be required to pay to the Department a copayment for emergency treatment or urgent care furnished at facilities of the Department;

''(B) meets an exemption specified by the Secretary in regulations prescribed by the Secretary for purposes of this section; or

''(C) is admitted to a hospital for treatment or observation following, and in connection with, the emergency treatment or urgent care for which the veteran is provided reimbursement under this section.

''(3) The requirement that a veteran pay a copayment under this section shall apply notwithstanding the authority of the Secretary to offset such a requirement with amounts recovered from a third party under section 1729 of this title.

''(g) DEFINITIONS.—In this section:

''(1) The term 'emergency treatment' means medical care or services furnished, in the judgment of the Secretary—

''(A) when such care or services are rendered in a medical emergency of such nature that a prudent layperson reasonably expects that delay in seeking immediate medical attention would be hazardous to life or health; and

''(B) until—

''(i) such time as the veteran can be transferred safely to a Department facility or community care provider authorized by the Secretary and such facility or provider is capable of accepting such transfer; or

''(ii) such time as a Department facility or community care provider authorized by the Secretary accepts such transfer if—

''(I) at the time the veteran could have been transferred safely to such a facility or provider, no such facility or provider agreed to accept such transfer; and

''(II) the non-Department facility in which such medical care or services was furnished made and documented reasonable attempts to transfer the veteran to a Department facility or community care provider.

''(2) The term 'health-plan contract' includes any of the following:

''(A) An insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar arrangement under which health services for individuals are provided or the expenses of such services are paid.

''(B) An insurance program described in section 1811 of the Social Security Act (42 U.S.C. 1395c) or established by section 1831 of such Act (42 U.S.C. 1395j).

''(C) A State plan for medical assistance approved under title XIX of such Act (42 U.S.C. 1396 et seq.).

''(D) A workers' compensation law or plan described in section 1729(a)(2)(A) of this title.

''(3) The term 'third party' means any of the following:

''(A) A Federal entity.

''(B) A State or political subdivision of a State.

''(C) An employer or an employer's insurance carrier.

''(D) An automobile accident reparations insurance carrier.

''(E) A person or entity obligated to provide, or to pay the expenses of, health services under a health-plan contract.

''(4) The term 'urgent care' shall have the meaning given that term by the Secretary in regulations prescribed by the Secretary for purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by striking the item relating to section 1725 and inserting the following new item:

''1725. Reimbursement for emergency treatment and urgent care.''.

(c) REPEAL OF SUPERSEDED AUTHORITY.—

(1) IN GENERAL.—Section 1728 is repealed.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The repeal made by paragraph (1) shall take effect on the date on which the Secretary of Veterans Affairs prescribes regulations to carry out section 1725 of title 38, United States Code, as amended by subsection (a).

(B) PUBLICATION.—The Secretary shall publish the date specified in subparagraph (A) in

the Federal Register and on an publicly available Internet website of the Department of Veterans Affairs not later than 30 days before such date.

(d) CONFORMING AMENDMENTS.—

(1) MEDICAL CARE FOR SURVIVORS AND DEPENDENTS.—Section 1781(a)(4) is amended by striking ''(as defined in section 1725(f) of this title)'' and inserting ''(as defined in section 1725(g) of this title)''.

(2) HEALTH CARE OF FAMILY MEMBERS OF VETERANS STATIONED AT CAMP LEJEUNE, NORTH CAROLINA.—Section 1787(b)(3) is amended by striking ''(as defined in section 1725(f) of this title)'' and inserting ''(as defined in section 1725(g) of this title)''.

(e) REGULATIONS.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall prescribe regulations to carry out the amendments made by this section.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of the enactment of this Act.

SEC. 1097G. REQUIREMENT FOR ADVANCE APPROPRIATIONS FOR THE VETERANS CHOICE PROGRAM ACCOUNT OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 117(c) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(7) Veterans Health Administration, Veterans Choice Program.''.

(b) CONFORMING AMENDMENT.—Section 1105(a)(37) of title 31, United States Code, is amended by adding at the end the following new subparagraph:

''(G) Veterans Health Administration, Veterans Choice Program.''.

(c) APPLICABILITY.—The amendments made by this section shall apply to fiscal years beginning on and after October 1, 2016.

SEC. 1097H. ANNUAL TRANSFER OF AMOUNTS WITHIN DEPARTMENT OF VETERANS AFFAIRS TO PAY FOR HEALTH CARE FROM NON-DEPARTMENT PROVIDERS.

Section 106 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note) is amended by adding at the end the following new subsection:

''(c) ANNUAL TRANSFER OF AMOUNTS.—

''(1) IN GENERAL.—At the beginning of each fiscal year, the Secretary of Veterans Affairs shall transfer to the Veterans Health Administration an amount equal to the amount estimated to be required to furnish hospital care, medical services, and other health care through non-Department of Veterans Affairs providers during that fiscal year.

''(2) ADJUSTMENTS.—During a fiscal year, the Secretary may make adjustments to the amount transferred under paragraph (1) for that fiscal year to accommodate any variances in demand for hospital care, medical services, or other health care through non-Department providers.''.

SEC. 1097I. APPLICABILITY OF DIRECTIVE OF OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS.

(a) IN GENERAL.—Directive 2014-01 of the Office of Federal Contract Compliance Programs of the Department of Labor (effective as of May 7, 2014) shall apply to any health care provider entering into a contract or agreement under section 1703A, 1703C, or 1745 of title 38, United States Code, in the same manner as such directive applies to subcontractors under the TRICARE program.

(b) APPLICABILITY PERIOD.—The directive described in subsection (a), and the moratorium provided under such directive, shall not be altered or rescinded before May 7, 2019.

(c) TRICARE PROGRAM DEFINED.—In this section, the term ''TRICARE program'' has the meaning given that term in section 1072 of title 10, United States Code.

Subpart B—Other Health Care Administrative Matters

SEC. 1097J. REIMBURSEMENT OF CERTAIN ENTITIES FOR EMERGENCY MEDICAL TRANSPORTATION.

(a) IN GENERAL.—Subchapter III of chapter 17 of title 38, United States Code, is amended by inserting after section 1725 the following new section:

''§ 1725A. Reimbursement of certain entities for emergency medical transportation

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall reimburse an ambulance provider or any other entity that provides transportation to a veteran described in section 1725(b) of this title for the purpose of receiving emergency treatment at a non-Department facility the cost of such transportation.

''(b) SERVICE CONNECTION.—(1) The Secretary shall reimburse an ambulance provider or any other entity under subsection (a) regardless of whether the underlying medical condition for which the veteran is seeking emergency treatment is in connection with a service-connected disability.

''(2) If the Secretary determines that the underlying medical condition for which the veteran receives emergency treatment is not in connection with a service-connected disability, the Secretary shall recoup the cost of transportation paid under subsection (a) in connection with such emergency treatment from any health-plan contract under which the veteran is covered.

''(c) TIMING.—Reimbursement under subsection (a) shall be made not later than 30 days after receiving a request for reimbursement under such subsection.

''(d) DEFINITIONS.—In this section, the terms 'emergency treatment' and 'health-plan contract' have the meanings given those terms in section 1725(f) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item related to section 1725 the following new item:

''1725A. Reimbursement for emergency medical transportation.''.

SEC. 1097K. REQUIREMENT THAT DEPARTMENT OF VETERANS AFFAIRS COLLECT HEALTH-PLAN CONTRACT INFORMATION FROM VETERANS.

(a) IN GENERAL.—Subchapter I of chapter 17 is amended by inserting after section 1705 the following new section:

''§ 1705A. Management of health care: information regarding health-plan contracts

''(a) IN GENERAL.—(1) Any individual who seeks hospital care or medical services under this chapter shall provide to the Secretary such current information as the Secretary may require to identify any health-plan contract under which such individual is covered.

''(2) The information required to be provided to the Secretary under paragraph (1) with respect to a health-plan contract shall include, as applicable, the following:

''(A) The name of the entity providing coverage under the health-plan contract.

''(B) If coverage under the health-plan contract is in the name of an individual other than the individual required to provide information under this section, the name of the policy holder of the health-plan contract.

''(C) The identification number for the health-plan contract.

''(D) The group code for the health-plan contract.

''(b) ACTION TO COLLECT INFORMATION.—The Secretary may take such action as the Secretary considers appropriate to collect the information required under subsection (a).

''(c) EFFECT ON SERVICES FROM DEPARTMENT.—The Secretary may not deny any services under this chapter to an individual solely due to the fact that the individual fails to provide information required under subsection (a).

''(d) HEALTH-PLAN CONTRACT DEFINED.—In this section, the term 'health-plan contract' has the meaning given that term in section 1725(g) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1705 the following new item:

''1705A. Management of health care: information regarding health-plan contracts.''.

SEC. 1097L. MODIFICATION OF HOURS OF EMPLOYMENT FOR PHYSICIANS AND PHYSICIAN ASSISTANTS EMPLOYED BY THE DEPARTMENT OF VETERANS AFFAIRS.

Section 7423(a) of title 38, United States Code, is amended—

(1) by striking ''(a) The hours'' and inserting ''(a)(1) Except as provided in paragraph (2), the hours''; and

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

''(2) The Secretary may modify the hours of employment for a physician or physician assistant appointed in the Administration under any provision of this chapter on a full-time basis to be more than or less than 80 hours in a biweekly pay period if the total hours of employment for such employee in a calendar year are not less than 2,080 hours.''.

PART III—FAMILY CAREGIVERS

SEC. 1097M. EXPANSION OF FAMILY CAREGIVER PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.

(a) FAMILY CAREGIVER PROGRAM.—

(1) EXPANSION OF ELIGIBILITY.—

(A) IN GENERAL.—Subsection (a)(2)(B) of section 1720G of title 38, United States Code, is amended to read as follows:

''(B) for assistance provided under this subsection—

''(i) before the date on which the Secretary submits to Congress a certification that the Department has fully implemented the information technology system required by section 1097N(a) of the National Defense Authorization Act for Fiscal Year 2017, has a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, or air service on or after September 11, 2001;

''(ii) during the two-year period beginning on the date specified in clause (i), has a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, or air service—

''(I) on or before May 7, 1975; or

''(II) on or after September 11, 2001; or

''(iii) after the date that is two years after the date specified in clause (i), has a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, or air service; and''.

(B) PUBLICATION IN FEDERAL REGISTER.—Not later than 30 days after the date on which the Secretary of Veterans Affairs submits to Congress the certification described in subsection (a)(2)(B)(i) of section 1720G of such title, as amended by subparagraph (A) of this paragraph, the Secretary shall publish the date specified in such subsection in the Federal Register.

(2) EXPANSION OF NEEDED SERVICES IN ELIGIBILITY CRITERIA.—Subsection (a)(2)(C) of such section is amended—

(A) in clause (ii), by striking ''; or'' and inserting a semicolon;

(B) by redesignating clause (iii) as clause (iv); and

(C) by inserting after clause (ii) the following new clause (iii):

''(iii) a need for regular or extensive instruction or supervision without which the ability of the veteran to function in daily life would be seriously impaired; or''.

(3) EXPANSION OF SERVICES PROVIDED.—Subsection (a)(3)(A)(ii) of such section is amended—

(A) in subclause (IV), by striking ''; and'' and inserting a semicolon;

(B) in subclause (V), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subclause:

''(VI) through the use of contracts with, or the provision of grants to, public or private entities—

''(aa) financial planning services relating to the needs of injured veterans and their caregivers; and

''(bb) legal services, including legal advice and consultation, relating to the needs of injured veterans and their caregivers.''.

(4) MODIFICATION OF STIPEND CALCULATION.—Subsection (a)(3)(C) of such section is amended—

(A) by redesignating clause (iii) as clause (iv); and

(B) by inserting after clause (ii) the following new clause (iii):

''(iii) In determining the amount and degree of personal care services provided under clause (i) with respect to an eligible veteran whose need for personal care services is based in whole or in part on a need for supervision or protection under paragraph (2)(C)(ii) or regular or extensive instruction or supervision under paragraph (2)(C)(iii), the Secretary shall take into account the following:

''(I) The assessment by the family caregiver of the needs and limitations of the veteran.

''(II) The extent to which the veteran can function safely and independently in the absence of such supervision, protection, or instruction.

''(III) The amount of time required for the family caregiver to provide such supervision, protection, or instruction to the veteran.''.

(5) PERIODIC EVALUATION OF NEED FOR CERTAIN SERVICES.—Subsection (a)(3) of such section is amended by adding at the end the following new subparagraph:

''(D) In providing instruction, preparation, and training under subparagraph (A)(i)(I) and technical support under subparagraph (A)(i)(II) to each family caregiver who is approved as a provider of personal care services for an eligible veteran under paragraph (6), the Secretary shall periodically evaluate the needs of the eligible veteran and the skills of the family caregiver of such veteran to determine if additional instruction, preparation, training, or technical support under those subparagraphs is necessary.''.

(6) USE OF PRIMARY CARE TEAMS.—Subsection (a)(5) of such section is amended, in the matter preceding subparagraph (A), by inserting ''(in collaboration with the primary care team for the eligible veteran to the maximum extent practicable)'' after ''evaluate''.

(7) ASSISTANCE FOR FAMILY CAREGIVERS.—Subsection (a) of such section is amended by adding at the end the following new paragraph:

''(11)(A) In providing assistance under this subsection to family caregivers of eligible veterans, the Secretary may enter into contracts, provider agreements, and memoranda of understanding with Federal agencies, States, and private, nonprofit, and other entities to provide such assistance to such family caregivers.

''(B) The Secretary may provide assistance under this paragraph only if such assistance is reasonably accessible to the family caregiver and is substantially equivalent or better in quality to similar services provided by the Department.

''(C) The Secretary may provide fair compensation to Federal agencies, States, and other entities that provide assistance under this paragraph.''.

(b) MODIFICATION OF DEFINITION OF PERSONAL CARE SERVICES.—Subsection (d)(4) of such section is amended—

(1) in subparagraph (A), by striking ''independent'';

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

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

''(B) Supervision or protection based on symptoms or residuals of neurological or other impairment or injury.

''(C) Regular or extensive instruction or supervision without which the ability of the veteran to function in daily life would be seriously impaired.''.

SEC. 1097N. IMPLEMENTATION OF INFORMATION TECHNOLOGY SYSTEM OF DEPARTMENT OF VETERANS AFFAIRS TO ASSESS AND IMPROVE THE FAMILY CAREGIVER PROGRAM.

(a) IMPLEMENTATION OF NEW SYSTEM.—

(1) IN GENERAL.—Not later than December 31, 2016, the Secretary of Veterans Affairs shall implement an information technology system that fully supports the Program and allows for data assessment and comprehensive monitoring of the Program.

(2) ELEMENTS OF SYSTEM.—The information technology system required to be implemented under paragraph (1) shall include the following:

(A) The ability to easily retrieve data that will allow all aspects of the Program (at the medical center and aggregate levels) and the workload trends for the Program to be assessed and comprehensively monitored.

(B) The ability to manage data with respect to a number of caregivers that is more than the number of caregivers that the Secretary expects to apply for the Program.

(C) The ability to integrate the system with other relevant information technology systems of the Veterans Health Administration.

(b) ASSESSMENT OF PROGRAM.—Not later than 180 days after implementing the system described in subsection (a), the Secretary shall, through the Under Secretary for Health, use data from the system and other relevant data to conduct an assessment of how key aspects of the Program are structured and carried out.

(c) ONGOING MONITORING OF AND MODIFICATIONS TO PROGRAM.—

(1) MONITORING.—The Secretary shall use the system implemented under subsection (a) to monitor and assess the workload of the Program, including monitoring and assessment of data on—

(A) the status of applications, appeals, and home visits in connection with the Program; and

(B) the use by caregivers participating in the Program of other support services under the Program such as respite care.

(2) MODIFICATIONS.—Based on the monitoring and assessment conducted under paragraph (1), the Secretary shall identify and implement such modifications to the Program as the Secretary considers necessary to ensure the Program is functioning as intended and providing veterans and caregivers participating in the Program with services in a timely manner.

(d) REPORTS.—

(1) INITIAL REPORT.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and the Comptroller General of the United States a report that includes—

(i) the status of the planning, development, and deployment of the system required to be implemented under subsection (a), including any changes in the timeline for the implementation of the system; and

(ii) an assessment of the needs of family caregivers of veterans described in subparagraph (B), the resources needed for the inclusion of such family caregivers in the Program, and such changes to the Program as the Secretary considers necessary to ensure the successful expansion of the Program to include such family caregivers.

(B) VETERANS DESCRIBED.—Veterans described in this subparagraph are veterans who are eligible for the Program under clause (ii) or (iii) of section 1720G(a)(2)(B) of title 38, United States Code, as amended by section 1097M(a)(1) of this Act, solely due to a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, or air service before September 11, 2001.

(2) NOTIFICATION BY COMPTROLLER GENERAL.—The Comptroller General shall review the report submitted under paragraph (1) and notify the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives with respect to the progress of the Secretary in—

(A) fully implementing the system required under subsection (a); and

(B) implementing a process for using such system to monitor and assess the Program under subsection (c)(1) and modify the Program as considered necessary under subsection (c)(2).

(3) FINAL REPORT.—

(A) IN GENERAL.—Not later than December 31, 2017, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and the Comptroller General a report on the implementation of subsections (a) through (c).

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

(i) A certification by the Secretary with respect to whether the information technology system described in subsection (a) has been implemented.

(ii) A description of how the Secretary has implemented such system.

(iii) A description of the modifications to the Program, if any, that were identified and implemented under subsection (c)(2).

(iv) A description of how the Secretary is using such system to monitor the workload of the Program.

(e) DEFINITIONS.—In this section:

(1) ACTIVE MILITARY, NAVAL, OR AIR SERVICE.—The term ''active military, naval, or air service'' has the meaning given that term in section 101 of title 38, United States Code.

(2) PROGRAM.—The term ''Program'' means the program of comprehensive assistance for family caregivers under section 1720G(a) of title 38, United States Code, as amended by section 1097M of this Act.

SEC. 1097O. MODIFICATIONS TO ANNUAL EVALUATION REPORT ON CAREGIVER PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.

(a) BARRIERS TO CARE AND SERVICES.—Subparagraph (A)(iv) of section 101(c)(2) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 38 U.S.C. 1720G note) is amended by inserting '',

including a description of any barriers to accessing and receiving care and services under such programs'' before the semicolon.

(b) SUFFICIENCY OF TRAINING FOR FAMILY CAREGIVER PROGRAM.—Subparagraph (B) of such section is amended—

(1) in clause (i), by striking ''; and'' and inserting a semicolon;

(2) in clause (ii), by striking the period at the end and inserting ''; and''; and

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

''(iii) an evaluation of the sufficiency and consistency of the training provided to family caregivers under such program in preparing family caregivers to provide care to veterans under such program.''.

SEC. 1097P. ADVISORY COMMITTEE ON CAREGIVER POLICY.

(a) ESTABLISHMENT.—There is established in the Department of Veterans Affairs an advisory committee on policies relating to caregivers of veterans (in this section referred to as the ''Committee'').

(b) COMPOSITION.—The Committee shall be composed of the following:

(1) A Chair selected by the Secretary of Veterans Affairs.

(2) A representative from each of the following agencies or organizations selected by the head of such agency or organization:

(A) The Department of Veterans Affairs.

(B) The Department of Defense.

(C) The Department of Health and Human Services.

(D) The Department of Labor.

(E) The Centers for Medicare and Medicaid Services.

(3) Not fewer than seven individuals who are not employees of the Federal Government selected by the Secretary from among the following individuals:

(A) Academic experts in fields relating to caregivers.

(B) Clinicians.

(C) Caregivers.

(D) Individuals in receipt of caregiver services.

(E) Such other individuals with expertise that is relevant to the duties of the Committee as the Secretary considers appropriate.

(c) DUTIES.—The duties of the Committee are as follows:

(1) To regularly review and recommend policies of the Department of Veterans Affairs relating to caregivers of veterans.

(2) To examine and advise the implementation of such policies.

(3) To evaluate the effectiveness of such policies.

(4) To recommend standards of care for caregiver services and respite care services provided to a caregiver or veteran by a nonprofit or private sector entity.

(5) To develop recommendations for legislative or administrative action to enhance the provision of services to caregivers and veterans, including eliminating gaps in such services and eliminating disparities in eligibility for such services.

(6) To make recommendations on coordination with State and local agencies and relevant nonprofit organizations on maximizing the use and effectiveness of resources for caregivers of veterans.

(d) REPORTS.—

(1) ANNUAL REPORT TO SECRETARY.—

(A) IN GENERAL.—Not later than September 1, 2017, and not less frequently than annually thereafter until the termination date specified in subsection (e), the Chair of the Committee shall submit to the Secretary a report on policies and services of the Department of Veterans Affairs relating to caregivers of veterans.

(B) ELEMENTS.—Each report required by subparagraph (A) shall include the following:

(i) An assessment of the policies of the Department relating to caregivers of veterans and services provided pursuant to such policies as of the date of the submittal of the report.

(ii) A description of any recommendations made by the Committee to improve the coordination of services for caregivers of veterans between the Department and the entities specified in subparagraphs (B) through (E) of subsection (b)(2) and to eliminate barriers to the effective use of such services, including with respect to eligibility criteria.

(iii) An evaluation of the effectiveness of the Department in providing services for caregivers of veterans.

(iv) An evaluation of the quality and sufficiency of services for caregivers of veterans available from nongovernmental organizations.

(v) A description of any gaps identified by the Committee in care or services provided by caregivers to veterans and recommendations for legislative or administrative action to address such gaps.

(vi) Such other matters or recommendations as the Chair considers appropriate.

(2) TRANSMITTAL TO CONGRESS.—Not later than 90 days after the receipt of a report under paragraph (1), the Secretary shall transmit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a copy of such report, together with such comments and recommendations concerning such report as the Secretary considers appropriate.

(e) TERMINATION.—The Committee shall terminate on December 31, 2022.

SEC. 1097Q. COMPREHENSIVE STUDY ON SERIOUSLY INJURED VETERANS AND THEIR CAREGIVERS.

(a) STUDY REQUIRED.—During the period specified in subsection (d), the Secretary of Veterans Affairs shall provide for the conduct by an independent entity of a comprehensive study on the following:

(1) Veterans who have incurred a serious injury or illness, including a mental health injury or illness.

(2) Individuals who are acting as caregivers for veterans.

(b) ELEMENTS.—The comprehensive study required by subsection (a) shall include the following with respect to each veteran included in such study:

(1) The health of the veteran and, if applicable, the impact of the caregiver of such veteran on the health of such veteran.

(2) The employment status of the veteran and, if applicable, the impact of the caregiver of such veteran on the employment status of such veteran.

(3) The financial status and needs of the veteran.

(4) The use by the veteran of benefits available to such veteran from the Department of Veterans Affairs.

(5) Such other information as the Secretary considers appropriate.

(c) CONTRACT.—The Secretary shall enter into a contract with an appropriate independent entity to conduct the study required by subsection (a).

(d) PERIOD SPECIFIED.—The period specified in this subsection is the one-year period beginning on the date that is four years after the date specified in section 1720G(a)(2)(B)(i) of title 38, United States Code, as amended by section 1097M(a)(1) of this Act.

(e) REPORT.—Not later than 30 days after the end of the period specified in subsection (d), 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 on the results of the study required by subsection (a).

PART IV—FACILITY CONSTRUCTION AND LEASES

Subpart A—Medical Facility Construction and Leases

SEC. 1097R. AUTHORIZATION OF CERTAIN MAJOR MEDICAL FACILITY PROJECTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in an amount not to exceed the amount specified for that project:

(1) Seismic corrections to buildings, including retrofitting and replacement of high-risk buildings, in San Francisco, California, in an amount not to exceed $317,300,000.

(2) Seismic corrections to facilities, including facilities to support homeless veterans, at the medical center in West Los Angeles, California, in an amount not to exceed $370,800,000.

(3) Seismic corrections to the mental health and community living center in Long Beach, California, in an amount not to exceed $317,300,000.

(4) Construction of an outpatient clinic, administrative space, cemetery, and columbarium in Alameda, California, in an amount not to exceed $240,200,000.

(5) Realignment of medical facilities in Livermore, California, in an amount not to exceed $415,600,000.

(6) Construction of a replacement community living center in Perry Point, Maryland, in an amount not to exceed $92,700,000.

(7) Seismic corrections and other renovations to several buildings and construction of a specialty care building in American Lake, Washington, in an amount not to exceed $161,700,000.

SEC. 1097S. AUTHORIZATION OF CERTAIN MAJOR MEDICAL FACILITY LEASES OF THE DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Veterans Affairs may carry out the following major medical facility leases at the locations specified and in an amount for each lease not to exceed the amount specified for such location (not including any estimated cancellation costs):

(1) For an outpatient clinic, Ann Arbor, Michigan, an amount not to exceed $17,093,000.

(2) For an outpatient mental health clinic, Birmingham, Alabama, an amount not to exceed $6,971,000.

(3) For an outpatient specialty clinic, Birmingham, Alabama, an amount not to exceed $10,479,000.

(4) For research space, Boston, Massachusetts, an amount not to exceed $5,497,000.

(5) For research space, Charleston, South Carolina, an amount not to exceed $6,581,000.

(6) For an outpatient clinic, Daytona Beach, Florida, an amount not to exceed $12,664,000.

(7) For Chief Business Office Purchased Care office space, Denver, Colorado, an amount not to exceed $17,215,000.

(8) For an outpatient clinic, Gainesville, Florida, an amount not to exceed $4,686,000.

(9) For an outpatient clinic, Hampton Roads, Virginia, an amount not to exceed $18,124,000.

(10) For research space, Mission Bay, California, an amount not to exceed $23,454,000.

(11) For an outpatient clinic, Missoula, Montana, an amount not to exceed $7,130,000.

(12) For an outpatient clinic, Northern Colorado, Colorado, an amount not to exceed $8,776,000.

(13) For an outpatient clinic, Ocala, Florida, an amount not to exceed $5,279,000.

(14) For an outpatient clinic, Oxnard, California, an amount not to exceed $6,297,000.

(15) For an outpatient clinic, Pike County, Georgia, an amount not to exceed $5,757,000.

(16) For an outpatient clinic, Portland, Maine, an amount not to exceed $6,846,000.

(17) For an outpatient clinic, Raleigh, North Carolina, an amount not to exceed $21,607,000.

(18) For an outpatient clinic, Santa Rosa, California, an amount not to exceed $6,498,000.

(19) For a replacement outpatient clinic, Corpus Christi, Texas, an amount not to exceed $7,452,000.

(20) For a replacement outpatient clinic, Jacksonville, Florida, an amount not to exceed $18,136,000.

(21) For a replacement outpatient clinic, Pontiac, Michigan, an amount not to exceed $4,532,000.

(22) For a replacement outpatient clinic, phase II, Rochester, New York, an amount not to exceed $6,901,000.

(23) For a replacement outpatient clinic, Tampa, Florida, an amount not to exceed $10,568,000.

(24) For a replacement outpatient clinic, Terre Haute, Indiana, an amount not to exceed $4,475,000.

SEC. 1097T. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2016 or the year in which funds are appropriated for the Construction, Major Projects, account $1,915,600,000 for the projects authorized in section 1097R.

(b) AUTHORIZATION OF APPROPRIATIONS FOR MEDICAL FACILITY LEASES.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2016 or the year in which funds are appropriated for the Medical Facilities account $190,954,000 for the leases authorized in section 1097S.

(c) LIMITATION.—The projects authorized in section 1097R may only be carried out using—

(1) funds appropriated for fiscal year 2016 pursuant to the authorization of appropriations in subsection (b);

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2016 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2016 that remain available for obligation;

(4) funds appropriated for Construction, Major Projects, for fiscal year 2016 for a category of activity not specific to a project;

(5) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2016 for a category of activity not specific to a project; and

(6) funds appropriated for Construction, Major Projects, for a fiscal year after fiscal year 2016 for a category of activity not specific to a project.

Subpart B—Leases at Department of Veterans Affairs West Los Angeles Campus

SEC. 1097U. AUTHORITY TO ENTER INTO CERTAIN LEASES AT THE DEPARTMENT OF VETERANS AFFAIRS WEST LOS ANGELES CAMPUS.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out leases described in subsection (b) at the Department of Veterans Affairs West Los Angeles Campus in Los Angeles, California (hereinafter in this section referred to as the ''Campus'').

(b) LEASES DESCRIBED.—Leases described in this subsection are the following:

(1) Any enhanced-use lease of real property under subchapter V of chapter 81 of title 38, United States Code, for purposes of providing supportive housing, as that term is defined in section 8161(3) of such title, that principally benefit veterans and their families.

(2) Any lease of real property for a term not to exceed 50 years to a third party to provide services that principally benefit veterans and their families and that are limited to one or more of the following purposes:

(A) The promotion of health and wellness, including nutrition and spiritual wellness.

(B) Education.

(C) Vocational training, skills building, or other training related to employment.

(D) Peer activities, socialization, or physical recreation.

(E) Assistance with legal issues and Federal benefits.

(F) Volunteerism.

(G) Family support services, including child care.

(H) Transportation.

(I) Services in support of one or more of the purposes specified in subparagraphs (A) through (H).

(3) A lease of real property for a term not to exceed 10 years to The Regents of the University of California, a corporation organized under the laws of the State of California, on behalf of its University of California, Los Angeles (UCLA) campus (hereinafter in this section referred to as ''The Regents''), if—

(A) the lease is consistent with the master plan described in subsection (g);

(B) the provision of services to veterans is the predominant focus of the activities of The Regents at the Campus during the term of the lease;

(C) The Regents expressly agrees to provide, during the term of the lease and to an extent and in a manner that the Secretary considers appropriate, additional services and support (for which The Regents is not compensated by the Secretary or through an existing medical affiliation agreement) that—

(i) principally benefit veterans and their families, including veterans who are severely disabled, women, aging, or homeless; and

(ii) may consist of activities relating to the medical, clinical, therapeutic, dietary, rehabilitative, legal, mental, spiritual, physical, recreational, research, and counseling needs of veterans and their families or any of the purposes specified in any of subparagraphs (A) through (I) of paragraph (2); and

(D) The Regents maintains records documenting the value of the additional services and support that The Regents provides pursuant to subparagraph (C) for the duration of the lease and makes such records available to the Secretary.

(c) LIMITATION ON LAND-SHARING AGREEMENTS.—The Secretary may not carry out any land-sharing agreement pursuant to section 8153 of title 38, United States Code, at the Campus unless such agreement—

(1) provides additional health-care resources to the Campus; and

(2) benefits veterans and their families other than from the generation of revenue for the Department of Veterans Affairs.

(d) REVENUES FROM LEASES AT THE CAMPUS.—Any funds received by the Secretary under a lease described in subsection (b) shall be credited to the applicable Department medical facilities account and shall be available, without fiscal year limitation and without further appropriation, exclusively for the renovation and maintenance of the land and facilities at the Campus.

(e) EASEMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (other than Federal laws relating to environmental and historic preservation), pursuant to section 8124 of title 38, United States Code, the Secretary may grant easements or rights-of-way on, above, or under lands at the Campus to—

(A) any local or regional public transportation authority to access, construct, use, operate, maintain, repair, or reconstruct public mass transit facilities, including, fixed guideway facilities and transportation centers; and

(B) the State of California, County of Los Angeles, City of Los Angeles, or any agency or political subdivision thereof, or any public utility company (including any company providing electricity, gas, water, sewage, or telecommunication services to the public) for the purpose of providing such public utilities.

(2) IMPROVEMENTS.—Any improvements proposed pursuant to an easement or right-of-way authorized under paragraph (1) shall be subject to such terms and conditions as the Secretary considers appropriate.

(3) TERMINATION.—Any easement or right-of-way authorized under paragraph (1) shall be terminated upon the abandonment or nonuse of the easement or right-of-way and all right, title, and interest in the land covered by the easement or right-of-way shall revert to the United States.

(f) PROHIBITION ON SALE OF PROPERTY.—Notwithstanding section 8164 of title 38, United States Code, the Secretary may not sell or otherwise convey to a third party fee simple title to any real property or improvements to real property made at the Campus.

(g) CONSISTENCY WITH MASTER PLAN.—The Secretary shall ensure that each lease carried out under this section is consistent with the draft master plan approved by the Secretary on January 28, 2016, or successor master plans.

(h) COMPLIANCE WITH CERTAIN LAWS.—

(1) LAWS RELATING TO LEASES AND LAND USE.—If the Inspector General of the Department of Veterans Affairs determines, as part of an audit report or evaluation conducted by the Inspector General, that the Department is not in compliance with all Federal laws relating to leases and land use at the Campus, or that significant mismanagement has occurred with respect to leases or land use at the Campus, the Secretary may not enter into any lease or land-sharing agreement at the Campus, or renew any such lease or land-sharing agreement that is not in compliance with such laws, until the Secretary certifies to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and each Member of the Senate and the House of Representatives who represents the area in which the Campus is located that all recommendations included in the audit report or evaluation have been implemented.

(2) COMPLIANCE OF PARTICULAR LEASES.—Except as otherwise expressly provided by this section, no lease may be entered into or renewed under this section unless the lease complies with chapter 33 of title 41, United States Code, and all Federal laws relating to environmental and historic preservation.

(i) COMMUNITY VETERANS ENGAGEMENT BOARD.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a Community Veterans Engagement Board (in this subsection referred to as the ''Board'') for the Campus to coordinate locally with the Department of Veterans Affairs to—

(A) identify the goals of the community; and

(B) provide advice and recommendations to the Secretary to improve services and outcomes for veterans, members of the Armed Forces, and the families of such veterans and members.

(2) MEMBERS.—The Board shall be comprised of a number of members that the Secretary determines appropriate, of which not less than 50 percent shall be veterans. The nonveteran members shall be family members of veterans, veteran advocates, service providers, or stakeholders.

(3) COMMUNITY INPUT.—In carrying out subparagraphs (A) and (B) of paragraph (1), the Board shall—

(A) provide the community opportunities to collaborate and communicate with the Board, including by conducting public forums on the Campus; and

(B) focus on local issues regarding the Department that are identified by the community, including with respect to health care, benefits, and memorial services at the Campus.

(j) NOTIFICATION AND REPORTS.—

(1) CONGRESSIONAL NOTIFICATION.—With respect to each lease or land-sharing agreement intended to be entered into or renewed at the Campus, the Secretary shall notify the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and each Member of the Senate and the House of Representatives who represents the area in which the Campus is located of the intent of the Secretary to enter into or renew the lease or land-sharing agreement not later than 45 days before entering into or renewing the lease or land-sharing agreement.

(2) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act, and not less frequently than annually thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and each Member of the Senate and the House of Representatives who represents the area in which the Campus is located an annual report evaluating all leases and land-sharing agreements carried out at the Campus, including—

(A) an evaluation of the management of the revenue generated by the leases; and

(B) the records described in subsection (b)(3)(D).

(3) INSPECTOR GENERAL REPORT.—

(A) IN GENERAL.—Not later than each of two years and five years after the date of the enactment of this Act, and as determined necessary by the Inspector General of the Department of Veterans Affairs thereafter, the Inspector General shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and each Member of the Senate and the House of Representatives who represents the area in which the Campus is located a report on all leases carried out at the Campus and the management by the Department of the use of land at the Campus, including an assessment of the efforts of the Department to implement the master plan described in subsection (g) with respect to the Campus.

(B) CONSIDERATION OF ANNUAL REPORT.—In preparing each report required by subparagraph (A), the Inspector General shall take into account the most recent report submitted to Congress by the Secretary under paragraph (2).

(k) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as a limitation on the authority of the Secretary to enter into other agreements regarding the Campus that are authorized by law and not inconsistent with this section.

(l) PRINCIPALLY BENEFIT VETERANS AND THEIR FAMILIES DEFINED.—In this section the term ''principally benefit veterans and their families'', with respect to services provided by a person or entity under a lease of property or land-sharing agreement—

(1) means services—

(A) provided exclusively to veterans and their families; or

(B) that are designed for the particular needs of veterans and their families, as opposed to the general public, and any benefit of those services to the general public is distinct from the intended benefit to veterans and their families; and

(2) excludes services in which the only benefit to veterans and their families is the generation of revenue for the Department of Veterans Affairs.

(m) CONFORMING AMENDMENTS.—

(1) PROHIBITION ON DISPOSAL OF PROPERTY.—Section 224(a) of the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2272) is amended by striking ''The Secretary of Veterans Affairs'' and inserting ''Except as authorized under section 1097U of the National Defense Authorization Act for Fiscal Year 2017, the Secretary of Veterans Affairs''.

(2) ENHANCED-USE LEASES.—Section 8162(c) of title 38, United States Code, is amended by inserting '', other than an enhanced-use lease under section 1097U of the National Defense Authorization Act for Fiscal Year 2017,'' before ''shall be considered''.

PART V—OTHER VETERANS MATTERS

SEC. 1097V. 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 its territorial seas)'' 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 its territorial seas)'' 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 if enacted on September 25, 1985.

PART VI—OTHER MATTERS

SEC. 1097W. TEMPORARY VISA FEE FOR EMPLOYERS WITH MORE THAN 50 PERCENT FOREIGN WORKFORCE.

(a) IN GENERAL.—Section 411 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note), as added by section 402(g) of the James Zadroga 9/11 Victim Compensation Fund Reauthorization Act (title IV of division O of Public Law 114–113), is amended—

(1) by amending to section heading to read as follows: ''**TEMPORARY VISA FEE FOR EMPLOYERS WITH MORE THAN 50 PERCENT FOREIGN WORKFORCE**''; and

(2) by striking subsections (a) and (b) and inserting the following:

''(a) TEMPORARY L VISA FEE INCREASE.—Notwithstanding section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) or any other provision of law, the filing fee required to be submitted with a petition filed under section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L)), except for an amended petition without an extension of stay request, shall be increased by $4,500 for petitioners that employ 50 or more employees in the United States if more than 50 percent of the petitioner's employees are nonimmigrants described in subparagraph (H)(1)(b) or (L) of section 101(a)(15) of such Act. This fee shall also apply to petitioners described in this subsection who file an individual petition on the basis of an approved blanket petition.

''(b) TEMPORARY H-1B VISA FEE INCREASE.—Notwithstanding section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) or any other provision of law, the filing fee required to be submitted with a petition under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)), except for an amended petition without an extension of stay request, shall be increased by $4,000 for petitioners that employ 50 or more employees in the United States if more than 50 percent of the petitioner's employees are nonimmigrants described in subparagraph (H)(1)(b) or (L) of section 101(a)(15) of such Act.''.

(b) EFFECTIVE DATES.—The amendments made by subsection (a)—

(1) shall take effect on the date that is 30 days after the date of the enactment of this Act; and

(2) shall apply to any petition filed during the period beginning on such effective date and ending on September 30, 2025.

SA 4659. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. REPORTING REQUIREMENTS REGARDING OIL WELL AND PETROCHEMICAL MANUFACTURING PLANT SAFETY.

(a) REPORTING OIL AND GAS PRODUCTION SAFETY INFORMATION.—Each issuer that is required to file reports pursuant to section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78o) and that is an operator, or that has a subsidiary that is an operator, of an oil well or petrochemical manufacturing plant shall include, in each periodic report filed with the Securities and Exchange Commission under the securities laws on or after the date of enactment of this Act, the following information for the time period covered by such report:

(1) For each oil well or petrochemical manufacturing plant of which the issuer or a subsidiary of the issuer is an operator—

(A) the total number of serious violations of mandatory health or safety standards at an oil well or petrochemical manufacturing plant safety, including health hazards under section 9 of the Occupational Safety and Health Act of 1970;

(B) the total number of citations issued including serious, willful and repeated violations under section 5 of the Occupational Safety and Health Act of 1970;

(C) the total dollar value of proposed penalties under the Occupational Safety and Health Act of 1970; and

(D) the total number of oil well or petrochemical manufacturing plant related fatalities.

(2) A list of oil wells or petrochemical manufacturing plants of which the issuer or a subsidiary of the issuer is an operator, that receive written notice from the Occupational Safety and Health Administration of willful, serious and repeated violations of mandatory health or safety standards at an oil well or petrochemical manufacturing plant health, including safety hazards under section 9 of the Occupational Safety and Health Act of 1970.

(3) Any pending legal action before the Occupational Safety and Health Review Commission involving such oil well or a petrochemical manufacturing plant.

(b) REPORTING SHUTDOWNS AND PATTERNS OF VIOLATIONS.—Beginning on and after the date of enactment of this Act, each issuer that is an operator, or that has a subsidiary that is an operator, of an oil well or petrochemical manufacturing plant shall file a

current report with the Securities and Exchange Commission on Form 8-K (or any successor form) disclosing the following regarding each oil well or a petrochemical manufacturing plant of which the issuer or subsidiary is an operator:

(1) The receipt of a citation issued under section 5 of the Occupational Safety and Health Act of 1970.

(2) The receipt of a citation from the Occupational Safety and Health Administration that the oil well or petrochemical manufacturing plant has—

(A) willfully or repeatedly violated mandatory health or safety standards at an oil well or petrochemical manufacturing plant health or safety hazards under such Act; or

(B) the potential to have such a pattern.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any obligation of a person to make a disclosure under any other applicable law in effect before, on, or after the date of enactment of this Act.

(d) COMMISSION AUTHORITY.—

(1) ENFORCEMENT.—A violation by any person of this section, or any rule or regulation of the Commission issued under this section, shall be treated for all purposes in the same manner as a violation of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or the rules and regulations issued thereunder, consistent with the provisions of this section, and any such person shall be subject to the same penalties, and to the same extent, as for a violation of such Act or the rules or regulations issued thereunder.

(2) RULES AND REGULATIONS.—The Securities and Exchange Commission is authorized to issue such rules or regulations as are necessary or appropriate for the protection of investors and to carry out the purposes of this section.

(e) DEFINITIONS.—In this section—

(1) the terms ''issuer'' and ''securities laws'' have the meaning given the terms in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c);

(2) the term ''operator of an oil well'' shall refer to the North American Industry Classification System code 213111; and

(3) the term ''petrochemical manufacturing plant shall refer to any entity assigned North American Industry Classification System code 213112, 324, or 32511.

(f) EFFECTIVE DATE.—This section shall take effect on the day that is 30 days after the date of enactment of this Act.

SA 4660. Mr. MURPHY (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1277. SENSE OF CONGRESS ON THE CONFLICT IN YEMEN.

It is the sense of Congress that—

(1) all sides to the current conflict in Yemen should—

(A) abide by international obligations to protect civilians;

(B) facilitate the delivery of humanitarian relief throughout the country; and

(C) respect negotiated cease-fires and work toward a lasting political settlement;

(2) United States-supported Saudi military operations in Yemen should—

(A) take all feasible precautions to reduce the risk of harm to civilians and civilian objects, in compliance with international humanitarian law; and

(B) increase prioritization of targeting of designated foreign terrorist organizations, including al Qaeda in the Arabian Peninsula and affiliates of the Islamic State of Iraq and the Levant; and

(3) the Houthi-Saleh forces engaged in the conflict in Yemen should—

(A) cease indiscriminate shelling of areas inhabited by civilians; and

(B) allow free access by humanitarian relief organizations seeking to deliver aid to civilian populations under siege.

SA 4661. Mr. GRAHAM (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1216. SENSE OF SENATE ON THE CRITICAL IMPORTANCE OF THE ADVICE OF MILITARY COMMANDERS TO ENSURE FORCE LEVELS IN AFGHANISTAN AFTER 2016 ARE CONDITIONS-BASED.

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

(1) The United States vowed to hold those responsible for the September 11, 2001, terrorist attacks accountable, and seeks to ensure that terrorists never again use Afghan soil to plot an attack on another country.

(2) Following the terrorist attacks of September 11, 2001, the United States decisively expelled the Taliban from control of Afghanistan and sought to promote a multilateral agenda to support the stabilization and reconstruction of Afghanistan by rebuilding its institutions and economy.

(3) The United States and Afghanistan signed a Bilateral Security Agreement (BSA) on September 30, 2014, that provides for an enduring commitment between the Government of the United States and the Government of Afghanistan to enhance the ability of the Government of Afghanistan to deter internal and external threats against its sovereignty.

(4) The United States and its coalition partners remain in Afghanistan at the invitation of the National Unity Government.

(5) Continued political and economic progress in Afghanistan is contingent upon the security of the country and the safety of its people.

(6) Since the beginning of 2016, senior military commanders, including the current Commander of Resolute Support and United States Forces-Afghanistan, General John W. Nicholson Jr. and the current Commander of United States Central Command, General Joseph L. Votel, the senior military commanders closest to the fight, have testified that the security situation in Afghanistan is deteriorating, and that they support a withdrawal of United States forces from Afghanistan only when conditions warrant.

(7) In the first three months of 2016, the United Nations reported that Afghanistan documented 600 civilian deaths and 1,343 wounded, with almost one-third of the casualties being children.

(8) The Islamic State of Iraq and the Levant (ISIL) has metastasized beyond the borders of Iraq and Syria, announcing its formation on January 10, 2015, in Afghanistan where it has carried out bombings, small arms attacks, and kidnappings against civilians and security forces in a number of provinces.

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

(1) the future trajectory of security and stability in Afghanistan relies significantly upon the continued support of the United States and coalition partners;

(2) adjustments to United States and coalition force levels in Afghanistan should be conditions-based and made with all due consideration to the assessment and advice of military commanders on the ground;

(3) decisions on United States and coalition force levels in Afghanistan should take into account the capabilities required to preserve and promote the hard-fought gains achieved over the last 15 years;

(4) any decisions with regard to changes in United States force levels in Afghanistan should be determined in a timely manner and communicated to allies and partners to afford adequate planning and force generation lead times;

(5) the United States should continue its efforts to train and advise the Afghan National Defense and Security Forces (ANDSF) in warfighting functions so that they are capable of defending their country and ensuring that Afghanistan never again becomes a terrorist safe-haven for groups like the Taliban, al Qaeda, and the Islamic State of Iraq and the Levant (ISIL);

(6) the United States should continue, in partnership with the Afghan National Defense and Security Forces and conducting counterterrorism operations to address threats to the national security interests of the United States and the security of Afghanistan;

(7) the decision of the President in October 2015 to continue the missions of training, advising, and assisting the Afghan National Defense and Security Forces and conducting counterterrorism operations while maintaining the associated United States force level of 9,800 troops in Afghanistan was in the national security interests of the United States; and

(8) Congress should support the President if the President decides to adjust current plans based on conditions on the ground by continuing robust missions to train, advise, and assist the Afghan National Defense and Security Forces and conduct counterterrorism operations and maintain the necessary level of United States forces in Afghanistan.

SA 4662. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 597. MILITARY APPRENTICESHIP PROGRAMS.

(a) PROMOTION REQUIRED.—The Secretary of Defense, in consultation with the Secretary of Labor, shall promote the enhancement and implementation of military apprenticeship programs that provide an opportunity for members of the Armed Forces to improve their job skills and obtain certificates of completion for such apprenticeship

programs while such members are on active duty. The Secretary of Defense also shall promote connections between military training, education, and transition activities and registered apprenticeship programs in order to improve employment outcomes for veterans and help ready-to-hire employers connect to this skilled workforce.

(b) VOLUNTARY GOALS.—In carrying out subsection (a), the Secretary of Defense shall establish voluntary goals for each Armed Force relating to the following:

(1) The number of members participating in activities relating to military apprenticeships prior to separation from active duty.

(2) The establishment of partnerships with apprenticeship programs, including registered apprenticeship programs, through the United Services Military Apprenticeship Program, Skill Bridge programs, the Transition Assistance Program, tuition assistance programs, and other appropriate mechanisms.

(3) The number of veterans entering apprenticeship programs, including registered apprenticeship programs, upon separation from active duty.

(c) BIENNIAL REPORT.—The Secretary of Defense shall submit to the appropriate committees of the Congress on a biennial basis a report describing the activities undertaken pursuant to this section, including the progress in achieving the voluntary goals established under subsection (b).

SA 4663. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 4636 submitted by Mr. MCCAIN and intended to be proposed to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1 of the amendment, strike line 2 and all that follows through page 20, line 6, and insert the following:

Subtitle J—Veterans Matters

PART I—VETERANS CHOICE PROGRAM

SEC. 1097. ESTABLISHMENT OF VETERANS CHOICE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Subchapter I of chapter 17 of title 38, United States Code, is amended by inserting after section 1703 the following new section:

"§ 1703A. Veterans Choice Program

''(a) PROGRAM.—

''(1) FURNISHING OF CARE.—Hospital care and medical services under this chapter shall be furnished to an eligible veteran described in subsection (b), at the election of such veteran, through contracts authorized under subsection (e), or any other law administered by the Secretary, with eligible providers described in subsection (c) for the furnishing of such care and services to veterans. The furnishing of hospital care and medical services under this section may be referred to as the 'Veterans Choice Program'.

''(2) COORDINATION OF CARE AND SERVICES.—The Secretary shall coordinate, through the Non-VA Care Coordination Program of the Department, the furnishing of care and services under this section to eligible veterans, including by ensuring that an eligible veteran receives an appointment for such care and services within the wait-time goals of the Veterans Health Administration for the furnishing of hospital care and medical services.

''(b) ELIGIBLE VETERANS.—A veteran is an eligible veteran for purposes of this section if—

''(1) the veteran is enrolled in the patient enrollment system of the Department established and operated under section 1705 of this title; and

''(2)(A) the veteran is unable to schedule an appointment for the receipt of hospital care or medical services from a health care provider of the Department within the lesser of—

''(i) the wait-time goals of the Veterans Health Administration for such care or services; or

''(ii) a period determined by a health care provider of the Department to be clinically necessary for the receipt of such care or services;

''(B) the veteran does not reside within 40 miles driving distance from a medical facility of the Department, including a community-based outpatient clinic, with a full-time primary care physician;

''(C) the veteran—

''(i) resides in a State without a medical facility of the Department that provides—

''(I) hospital care;

''(II) emergency medical services; and

''(III) surgical care rated by the Secretary as having a surgical complexity of standard; and

''(ii) does not reside within 20 miles driving distance from a medical facility of the Department described in clause (i);

''(D) the veteran faces an unusual or excessive burden in accessing hospital care or medical services from a medical facility of the Department that is within 40 miles driving distance from the residence of the veteran due to—

''(i) geographical challenges;

''(ii) environmental factors, such as roads that are not accessible to the general public, traffic, or hazardous weather;

''(iii) a medical condition of the veteran that affects the ability to travel; or

''(iv) such other factors as determined by the Secretary;

''(E) the veteran resides in a location, other than a location in Guam, American Samoa, or the Republic of the Philippines, that requires the veteran to travel by air, boat, or ferry to reach a medical facility of the Department, including a community-based outpatient clinic;

''(F) the veteran is enrolled in the pilot program under section 403 of the Veterans' Mental Health and Other Care Improvements Act of 2008 (Public Law 110–387; 38 U.S.C. 1703 note) as of the date on which such pilot program terminates under such section; or

''(G) there is a compelling reason, as determined by the Secretary, that the veteran needs to receive hospital care or medical services from a medical facility other than a medical facility of the Department.

''(c) ELIGIBLE PROVIDERS.—

''(1) IN GENERAL.—A health care provider is an eligible provider for purposes of this section if the health care provider is a health care provider specified in paragraph (2) and meets standards established by the Secretary for purposes of this section, including standards relating to education, certification, licensure, training, and employment history.

''(2) HEALTH CARE PROVIDERS SPECIFIED.—The health care providers specified in this paragraph are the following:

''(A) Any health care provider that is participating in the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), including any physician furnishing services under such program.

''(B) Any health care provider of a Federally-qualified health center (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

''(C) Any health care provider of the Department of Defense.

''(D) Any health care provider of the Indian Health Service.

''(E) Any health care provider of an academic affiliate of the Department of Veterans Affairs.

''(F) Any health care provider of a health system established to serve Alaska Natives.

''(G) Any other health care provider that meets criteria established by the Secretary for purposes of this section.

''(3) CHOICE OF PROVIDER.—An eligible veteran who makes an election under subsection (d) to receive hospital care or medical services under this section may select a provider of such care or services from among the health care providers specified in paragraph (2) that are accessible to the veteran.

''(4) ELIGIBILITY.—To be eligible to furnish care or services under this section, a health care provider must—

''(A) maintain at least the same or similar credentials and licenses as those credentials and licenses that are required of health care providers of the Department, as determined by the Secretary for purposes of this section; and

''(B) submit, not less frequently than annually, verification of such licenses and credentials maintained by such health care provider.

''(5) TIERED NETWORK.—

''(A) IN GENERAL.—To promote the provision of high-quality and high-value health care under this section, the Secretary may develop a tiered provider network of eligible providers based on criteria established by the Secretary for purposes of this section.

''(B) EXCEPTION.—In developing a tiered provider network of eligible providers under subparagraph (A), the Secretary may not prioritize providers in a tier over providers in any other tier in a manner that limits the choice of an eligible veteran in selecting an eligible provider under this section.

''(6) ALASKA NATIVE DEFINED.—In this subsection, the term 'Alaska Native' means a person who is a member of any Native village, Village Corporation, or Regional Corporation, as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

''(d) ELECTION AND AUTHORIZATION.—

''(1) IN GENERAL.—In the case of an eligible veteran described in subsection (b)(2)(A), the Secretary shall, at the election of the veteran—

''(A) provide the veteran an appointment that exceeds the wait-time goals described in such subsection or place such veteran on an electronic waiting list described in paragraph (2) for an appointment for hospital care or medical services the veteran has elected to receive under this section; or

''(B)(i) authorize that such care or services be furnished to the eligible veteran under this section; and

''(ii) notify the eligible veteran by the most effective means available, including electronic communication or notification in writing, describing the care or services the eligible veteran is eligible to receive under this section.

''(2) ELECTRONIC WAITING LIST.—The electronic waiting list described in this paragraph shall be maintained by the Department and allow access by each eligible veteran via www.myhealth.va.gov or any successor website (or other digital channel) for the following purposes:

''(A) To determine the place of such eligible veteran on the waiting list.

''(B) To determine the average length of time an individual spends on the waiting list, disaggregated by medical facility of the

Department and type of care or service needed, for purposes of allowing such eligible veteran to make an informed election under paragraph (1).

''(e) CARE AND SERVICES THROUGH CONTRACTS.—

''(1) CONTRACTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall enter into contracts with eligible providers for furnishing care and services to eligible veterans under this section.

''(B) OTHER PROCESSES.—Before entering into a contract under this paragraph, the Secretary shall, to the maximum extent practicable and consistent with the requirements of this section, furnish such care and services to eligible veterans under this section with eligible providers pursuant to sharing agreements, existing contracts entered into by the Secretary, or other processes available at medical facilities of the Department.

''(C) CONTRACT DEFINED.—In this paragraph, the term 'contract' has the meaning given that term in subpart 2.101 of the Federal Acquisition Regulation.

''(2) RATES AND REIMBURSEMENT.—

''(A) IN GENERAL.—In entering into a contract under paragraph (1) with an eligible provider, the Secretary shall—

''(i) negotiate rates for the furnishing of care and services under this section; and

''(ii) reimburse the provider for such care and services at the rates negotiated under clause (i) as provided in such contract.

''(B) LIMIT ON RATES.—

''(i) IN GENERAL.—Except as provided in clause (ii), and to the extent practicable, rates negotiated under subparagraph (A)(i) shall not be more than the rates paid by the United States to a provider of services (as defined in section 1861(u) of the Social Security Act (42 U.S.C. 1395x(u))) or a supplier (as defined in section 1861(d) of such Act (42 U.S.C. 1395x(d))) under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for the same care or services.

''(ii) EXCEPTIONS.—

''(I) IN GENERAL.—The Secretary may negotiate a rate that is more than the rate paid by the United States as described in clause (i) with respect to the furnishing of care or services under this section to an eligible veteran who resides in a highly rural area.

''(II) OTHER EXCEPTIONS.—

''(aa) ALASKA.—With respect to furnishing care or services under this section in Alaska, the Alaska Fee Schedule of the Department shall be followed, except for when another payment agreement, including a contract or provider agreement, is in place, in which case rates for reimbursement shall be set forth under such payment agreement.

''(bb) OTHER STATES.—With respect to care or services furnished under this section in a State with an All-Payer Model Agreement in effect under the Social Security Act (42 U.S.C. 301 et seq.), the Medicare payment rates under clause (i) shall be calculated based on the payment rates under such agreement.

''(III) HIGHLY RURAL AREA DEFINED.—In this clause, the term 'highly rural area' means an area located in a county that has fewer than seven individuals residing in that county per square mile.

''(C) LIMIT ON COLLECTION.—For the furnishing of care or services pursuant to a contract under paragraph (1), an eligible provider may not collect any amount that is greater than the rate negotiated pursuant to subparagraph (A)(i).

''(D) VALUE-BASED REIMBURSEMENT.—In negotiating rates for the furnishing of care and services under this section, the Secretary may incorporate the use of value-based reimbursement models to promote the provision of high-quality care.

''(f) RESPONSIBILITY FOR COSTS OF CERTAIN CARE.—In any case in which an eligible veteran is furnished hospital care or medical services under this section for a non-service-connected disability described in subsection (a)(2) of section 1729 of this title, the Secretary may recover or collect reasonable charges for such care or services from a health-plan contract (as defined in subsection (i) of such section 1729) in accordance with such section 1729.

''(g) VETERANS CHOICE CARD.—

''(1) IN GENERAL.—Except as provided in paragraph (5), for purposes of receiving care and services under this section, the Secretary shall issue to each veteran described in subsection (b)(1) a card that may be presented to a health care provider to facilitate the receipt of care or services under this section.

''(2) NAME OF CARD.—Each card issued under paragraph (1) shall be known as a 'Veterans Choice Card'.

''(3) DETAILS OF CARD.—Each Veterans Choice Card issued to a veteran under paragraph (1) shall include the following:

''(A) The name of the veteran.

''(B) An identification number for the veteran that is not the social security number of the veteran.

''(C) The contact information of an appropriate office of the Department for health care providers to confirm that care or services under this section are authorized for the veteran.

''(D) Contact information and other relevant information for the submittal of claims or bills for the furnishing of care or services under this section.

''(E) The following statement: 'This card is for qualifying medical care outside the Department of Veterans Affairs. Please call the Department of Veterans Affairs phone number specified on this card to ensure that treatment has been authorized.'.

''(4) INFORMATION ON USE OF CARD.—Upon issuing a Veterans Choice Card to a veteran, the Secretary shall provide the veteran with information clearly stating the circumstances under which the veteran may be eligible for care or services under this section.

''(5) PREVIOUS PROGRAM.—A Veterans Choice Card issued under section 101 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note), as in effect on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, shall be sufficient for purposes of receiving care and services under this section and the Secretary is not required to reissue a Veterans Choice Card under paragraph (1) to any veteran that has such a card issued under such section 101.

''(h) INFORMATION ON AVAILABILITY OF CARE.—The Secretary shall provide information to a veteran about the availability of care and services under this section in the following circumstances:

''(1) When the veteran enrolls in the patient enrollment system of the Department established and operated under section 1705 of this title.

''(2) When the veteran attempts to schedule an appointment for the receipt of hospital care or medical services from the Department but is unable to schedule an appointment within the wait-time goals of the Veterans Health Administration for the furnishing of such care or services.

''(3) When the veteran becomes eligible for hospital care or medical services under this section under subparagraph (B), (C), (D), (E), (F), or (G) of subsection (b)(2).

''(i) FOLLOW-UP CARE.—The Secretary shall ensure that, at the election of an eligible veteran who receives hospital care or medical services from an eligible provider in an episode of care under this section, the veteran receives such care or services from that provider or another health care provider selected by the veteran, including a health care provider of the Department, through the completion of the episode of care, including all specialty and ancillary services deemed necessary as part of the treatment recommended in the course of such care or services.

''(j) COST-SHARING.—

''(1) IN GENERAL.—The Secretary shall require an eligible veteran to pay a copayment for the receipt of care or services under this section only if such eligible veteran would be required to pay a copayment for the receipt of such care or services at a medical facility of the Department or from a health care provider of the Department under this chapter.

''(2) LIMITATION.—The amount of a copayment charged under paragraph (1) may not exceed the amount of the copayment that would be payable by such eligible veteran for the receipt of such care or services at a medical facility of the Department or from a health care provider of the Department under this chapter.

''(k) CLAIMS PROCESSING SYSTEM.—

''(1) IN GENERAL.—The Secretary shall provide for an efficient nationwide system for prompt processing and paying of bills or claims for authorized care and services furnished to eligible veterans under this section.

''(2) ACCURACY OF PAYMENT.—

''(A) IN GENERAL.—The Secretary shall ensure that such system meets such goals for accuracy of payment as the Secretary shall specify for purposes of this section.

''(B) ANNUAL REPORT.—

''(i) IN GENERAL.—Not less frequently than annually, 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 on the accuracy of such system.

''(ii) ELEMENTS.—Each report required by clause (i) shall include the following:

''(I) A description of the goals for accuracy for such system specified by the Secretary under subparagraph (A).

''(II) An assessment of the success of the Department in meeting such goals during the year covered by the report.

''(l) DISCLOSURE OF INFORMATION.—For purposes of section 7332(b)(1) of this title, an election by an eligible veteran to receive care or services under this section shall serve as written consent for the disclosure of information to health care providers for purposes of treatment under this section.

''(m) MEDICAL RECORDS.—

''(1) IN GENERAL.—The Secretary shall ensure that any eligible provider that furnishes care or services under this section to an eligible veteran submits to the Department a copy of any medical record related to the care or services provided to such veteran by such provider for inclusion in the electronic medical record of such veteran maintained by the Department upon the completion of the provision of such care or services to such veteran.

''(2) ELECTRONIC FORMAT.—Any medical record submitted to the Department under paragraph (1) shall, to the extent possible, be in an electronic format.

''(n) RECORDS NOT REQUIRED FOR REIMBURSEMENT.—With respect to care or services furnished to an eligible veteran by an eligible provider under this section, the receipt by the Department of a medical record under subsection (m) detailing such care or services is not required before reimbursing the provider for such care or services.

''(o) TRACKING OF MISSED APPOINTMENTS.—The Secretary shall implement a mechanism to track any missed appointments for care or services under this section by eligible veterans to ensure that the Department does not pay for such care or services that were not furnished to an eligible veteran.

''(p) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter the process of the Department for filling and paying for prescription medications.

''(q) WAIT-TIME GOALS OF THE VETERANS HEALTH ADMINISTRATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), in this section, the term 'wait-time goals of the Veterans Health Administration' means not more than 30 days from the date on which a veteran requests an appointment for hospital care or medical services from the Department.

''(2) ALTERNATE GOALS.—If the Secretary submits to Congress a report stating that the actual wait-time goals of the Veterans Health Administration are different from the wait-time goals specified in paragraph (1)—

''(A) for purposes of this section, the wait-time goals of the Veterans Health Administration shall be the wait-time goals submitted by the Secretary under this paragraph; and

''(B) the Secretary shall publish such wait-time goals in the Federal Register and on an Internet website of the Department available to the public.

''(r) WAIVER OF CERTAIN PRINTING REQUIREMENTS.—Section 501 of title 44 shall not apply in carrying out this section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1703 the following new item:

''1703A. Veterans Choice Program.''.

(3) CONFORMING REPEAL OF SUPERSEDED AUTHORITY.—

(A) IN GENERAL.—Section 101 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note) is repealed.

(B) CONFORMING AMENDMENT.—Section 208(1) of such Act is amended by striking ''section 101'' and inserting ''section 1703A of title 38, United States Code''.

(C) EFFECTIVE DATE.—

(i) IN GENERAL.—The amendments made by this paragraph shall take effect on the date on which the Secretary of Veterans Affairs begins implementation of section 1703A of title 38, United States Code as added by paragraph (1).

(ii) PUBLICATION.—The Secretary shall publish the date specified in clause (i) in the Federal Register and on an publicly available Internet website of the Department of Veterans Affairs not later than 30 days before such date.

(4) REPORT.—Not later than one year after the date of the enactment of this Act , the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the furnishing of care and services under section 1703A of title 38, United States Code, as added by paragraph (1), that includes the following:

(A) The total number of veterans who have received care or services under this section, disaggregated by—

(i) eligible veterans described in subsection (b)(2)(A) of such section;

(ii) eligible veterans described in subsection (b)(2)(B) of such section;

(iii) eligible veterans described in subsection (b)(2)(C) of such section;

(iv) eligible veterans described in subsection (b)(2)(D) of such section;

(v) eligible veterans described in subsection (b)(2)(E) of such section;

(vi) eligible veterans described in subsection (b)(2)(F) of such section; and

(vii) eligible veterans described in subsection (b)(2)(G) of such section.

(B) A description of the types of care and services furnished to veterans under such section.

(C) An accounting of the total cost of furnishing care and services to veterans under such section.

(D) The results of a survey of veterans who have received care or services under such section on the satisfaction of such veterans with the care or services received by such veterans under such section.

(E) An assessment of the effect of furnishing care and services under such section on wait times for appointments for the receipt of hospital care and medical services from the Department of Veterans Affairs.

(b) CLASSIFICATION OF SERVICES.—Services provided under the following programs, contracts, and agreements shall be considered services provided under the Veterans Choice Program established under section 1703A of title 38, United States Code, as added by subsection (a)(1):

(1) The Patient-Centered Community Care program (commonly referred to as ''PC3'').

(2) Contracts through the retail pharmacy network of the Department.

(3) Veterans Care Agreements under section 1703C of title 38, United States Code, as added by section 1097D(a).

(4) Health care agreements with Federal entities or entities funded by the Federal Government, including the Department of Defense, the Indian Health Service, tribal health programs, Federally-qualified health centers (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))), and academic teaching affiliates.

(c) ESTABLISHMENT OF CRITERIA AND STANDARDS FOR NON-DEPARTMENT CARE.—

(1) IN GENERAL.—Not later than December 31, 2017, the Secretary of Veterans Affairs shall establish consistent criteria and standards—

(A) for purposes of determining eligibility of non-Department of Veterans Affairs health care providers to provide health care under the laws administered by the Secretary, including standards relating to education, certification, licensure, training, and employment history; and

(B) for the reimbursement of such health care providers for care or services provided under the laws administered by the Secretary, which to the extent practicable shall—

(i) except as provided in clauses (ii) and (iii), use rates for reimbursement that are not more than the rates paid by the United States to a provider of services (as defined in section 1861(u) of the Social Security Act (42 U.S.C. 1395x(u))) under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for the same care or services;

(ii) with respect to care or services provided in Alaska, use rates for reimbursement set forth in the Alaska Fee Schedule of the Department of Veterans Affairs, except for when another payment agreement, including a contract or provider agreement, is in place, in which case use rates for reimbursement set forth under such payment agreement;

(iii) with respect to care or services provided in a State with an All-Payer Model Agreement in effect under the Social Security Act (42 U.S.C. 301 et seq.), use rates for reimbursement based on the payment rates under such agreement;

(iv) incorporate the use of value-based reimbursement models to promote the provision of high-quality care to improve health outcomes and the experience of care for veterans; and

(v) be consistent with prompt payment standards required of Federal agencies under chapter 39 of title 31, United States Code.

(2) INAPPLICABILITY TO CERTAIN CARE.—The criteria and standards established under paragraph (1) shall not apply to care or services furnished under section 1703A of title 38, United States Code, as added by subsection (a)(1).

SEC. 1097A. FUNDING FOR VETERANS CHOICE PROGRAM.

(a) IN GENERAL.—All amounts required to carry out the Veterans Choice Program shall be derived from the appropriations account described in section 4003 of the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 (Public Law 114–41; 38 U.S.C. 1701 note).

(b) TRANSFER OF AMOUNTS.—

(1) IN GENERAL.—All amounts in the Veterans Choice Fund under section 802 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note) shall be transferred to the appropriations account described in section 4003 of the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 (Public Law 114–41; 38 U.S.C. 1701 note).

(2) CONFORMING REPEAL.—

(A) IN GENERAL.—Section 802 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note) is repealed.

(B) CONFORMING AMENDMENT.—Section 4003 of the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 (Public Law 114–41; 38 U.S.C. 1701 note) is amended by striking ''to be comprised of'' and all that follows and inserting ''to be comprised of discretionary medical services funding that is designated for hospital care and medical services furnished at non-Department facilities''.

(c) VETERANS CHOICE PROGRAM DEFINED.—In this section, the term ''Veterans Choice Program'' means—

(1) the program under section 1703A of title 38, United States Code, as added by section 1097(a)(1); and

(2) the programs, contracts, and agreements of the Department described in section 1097(b).

SEC. 1097B. PAYMENT OF HEALTH CARE PROVIDERS UNDER VETERANS CHOICE PROGRAM.

(a) PAYMENT OF PROVIDERS.—

(1) IN GENERAL.—Subchapter I of chapter 17 of title 38, United States Code, as amended by section 1097(a)(1), is further amended by inserting after section 1703A the following new section:

''§ 1703B. Veterans Choice Program: payment of health care providers

''(a) PROMPT PAYMENT COMPLIANCE.—The Secretary shall ensure that payments made to health care providers under the Veterans Choice Program comply with chapter 39 of title 31 (commonly referred to as the 'Prompt Payment Act') and the requirements of this section. If there is a conflict between the requirements of the Prompt Payment Act and the requirements of this section, the Secretary shall comply with the requirements of this section.

''(b) SUBMITTAL OF CLAIM.—(1) A health care provider that seeks reimbursement under this section for care or services furnished under the Veterans Choice Program shall submit to the Secretary a claim for reimbursement not later than 180 days after furnishing such care or services.

''(2) On and after January 1, 2019, the Secretary shall not accept any claim under this section that is submitted to the Secretary in a manner other than electronically.

''(c) PAYMENT SCHEDULE.—(1) The Secretary shall reimburse a health care provider for care or services furnished under the Veterans Choice Program—

''(A) in the case of a clean claim submitted to the Secretary electronically, not later than 30 days after receiving the claim; or

''(B) in the case of a clean claim submitted to the Secretary in a manner other than electronically, not later than 45 days after receiving the claim.

''(2)(A) If the Secretary determines that a claim received from a health care provider for care or services furnished under the Veterans Choice Program is a non-clean claim, the Secretary shall submit to the provider, not later than 30 days after receiving the claim—

''(i) a notification that the claim is a non-clean claim;

''(ii) an explanation of why the claim has been determined to be a non-clean claim; and

''(iii) an identification of the information or documentation that is required to make the claim a clean claim.

''(B) If the Secretary does not comply with the requirements of subparagraph (A) with respect to a claim, the claim shall be deemed a clean claim for purposes of paragraph (1).

''(3) Upon receipt by the Secretary of information or documentation described in paragraph (2)(A)(iii) with respect to a claim, the Secretary shall reimburse a health care provider for care or services furnished under the Veterans Choice Program—

''(A) in the case of a claim submitted to the Secretary electronically, not later than 30 days after receiving such information or documentation; or

''(B) in the case of claim submitted to the Secretary in a manner other than electronically, not later than 45 days after receiving such information or documentation.

''(4) If the Secretary fails to comply with the deadlines for payment set forth in this subsection with respect to a claim, interest shall accrue on the amount owed under such claim in accordance with section 3902 of title 31, United States Code.

''(d) INFORMATION AND DOCUMENTATION REQUIRED.—(1) The Secretary shall provide to all health care providers participating in the Veterans Choice Program a list of information and documentation that is required to establish a clean claim under this section.

''(2) The Secretary shall consult with entities in the health care industry, in the public and private sector, to determine the information and documentation to include in the list under paragraph (1).

''(3) If the Secretary modifies the information and documentation included in the list under paragraph (1), the Secretary shall notify all health care providers participating in the Veterans Choice Program not later than 30 days before such modifications take effect.

''(e) DEFINITIONS.—In this section:

''(1) The term 'clean claim' means a claim for reimbursement for care or services furnished under the Veterans Choice Program, on a nationally recognized standard format, that includes the information and documentation necessary to adjudicate the claim.

''(2) The term 'non-clean claim' means a claim for reimbursement for care or services furnished under the Veterans Choice Program, on a nationally recognized standard format, that does not include the information and documentation necessary to adjudicate the claim.

''(3) The term 'Veterans Choice Program' means—

''(A) the program under section 1703A of this title; and

''(B) the programs, contracts, and agreements of the Department described in section 1097(b) of the National Defense Authorization Act for Fiscal Year 2017.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title, as amended by section 1097(a)(2), is further amended by inserting after the item related to section 1703A the following new item:

''1703B. Veterans Choice Program: payment of health care providers.''.

(b) ELECTRONIC SUBMITTAL OF CLAIMS FOR REIMBURSEMENT.—

(1) PROHIBITION ON ACCEPTANCE OF NON-ELECTRONIC CLAIMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), on and after January 1, 2019, the Secretary of Veterans Affairs shall not accept any claim for reimbursement under section 1703B of title 38, United States Code, as added by subsection (a), that is submitted to the Secretary in a manner other than electronically, including medical records in connection with such a claim.

(B) EXCEPTION.—If the Secretary determines that accepting claims and medical records in a manner other than electronically is necessary for the timely processing of claims for reimbursement under such section 1703B due to a failure or serious malfunction of the electronic interface established under paragraph (2), the Secretary—

(i) after determining that such a failure or serious malfunction has occurred, may accept claims and medical records in a manner other than electronically for a period not to exceed 90 days; and

(ii) shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report setting forth—

(I) the reason for accepting claims and medical records in a manner other than electronically;

(II) the duration of time that the Department of Veterans Affairs will accept claims and medical records in a manner other than electronically; and

(III) the steps that the Department is taking to resolve such failure or malfunction.

(2) ELECTRONIC INTERFACE.—

(A) IN GENERAL.—Not later than January 1, 2019, the Chief Information Officer of the Department of Veterans Affairs shall establish an electronic interface for health care providers to submit claims for reimbursement under such section 1703B.

(B) FUNCTIONS.—The electronic interface established under subparagraph (A) shall include the following functions:

(i) A function through which a health care provider may input all relevant data required for claims submittal and reimbursement.

(ii) A function through which a health care provider may upload medical records to accompany a claim for reimbursement.

(iii) A function through which a health care provider may ascertain the status of a pending claim for reimbursement that—

(I) indicates whether the claim is a clean claim or a non-clean claim; and

(II) in the event that a submitted claim is indicated as a non-clean claim, provides—

(aa) an explanation of why the claim has been determined to be a non-clean claim; and

(bb) an identification of the information or documentation that is required to make the claim a clean claim.

(iv) A function through which a health care provider is notified when a claim for reimbursement is accepted or rejected.

(v) Such other features as the Secretary considers necessary.

(C) PROTECTION OF INFORMATION.—

(i) IN GENERAL.—The electronic interface established under subparagraph (A) shall be developed and implemented based on industry-accepted information security and privacy engineering principles and best practices and shall provide for the following:

(I) The elicitation, analysis, and prioritization of functional and nonfunctional information security and privacy requirements for such interface, including specific security and privacy services and architectural requirements relating to security and privacy based on a thorough analysis of all reasonably anticipated cyber and noncyber threats to the security and privacy of electronic protected health information made available through such interface.

(II) The elicitation, analysis, and prioritization of secure development requirements relating to such interface.

(III) The assurance that the prioritized information security and privacy requirements of such interface—

(aa) are correctly implemented in the design and implementation of such interface throughout the system development lifecycle; and

(bb) satisfy the information objectives of such interface relating to security and privacy throughout the system development lifecycle.

(ii) DEFINITIONS.—In this subparagraph:

(I) ELECTRONIC PROTECTED HEALTH INFORMATION.—The term ''electronic protected health information'' has the meaning given that term in section 160.103 of title 45, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

(II) SECURE DEVELOPMENT REQUIREMENTS.—The term ''secure development requirements'' means, with respect to the electronic interface established under subparagraph (A), activities that are required to be completed during the system development lifecycle of such interface, such as secure coding principles and test methodologies.

(3) ANALYSIS OF AVAILABLE TECHNOLOGY FOR ELECTRONIC INTERFACE.—

(A) IN GENERAL.—Not later than January 1, 2017, or before entering into a contract to procure or design and build the electronic interface described in paragraph (2) or making a decision to internally design and build such electronic interface, whichever occurs first, the Secretary shall—

(i) conduct an analysis of commercially available technology that may satisfy the requirements of such electronic interface set forth in such paragraph; and

(ii) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report setting forth such analysis.

(B) ELEMENTS.—The report required under subparagraph (A)(ii) shall include the following:

(i) An evaluation of commercially available systems that may satisfy the requirements of paragraph (2).

(ii) The estimated cost of procuring a commercially available system if a suitable commercially available system exists.

(iii) If no suitable commercially available system exists, an assessment of the feasibility of modifying a commercially available system to meet the requirements of paragraph (2), including the estimated cost associated with such modifications.

(iv) If no suitable commercially available system exists and modifying a commercially available system is not feasible, an assessment of the estimated cost and time that would be required to contract with a commercial entity to design and build an electronic interface that meets the requirements of paragraph (2).

(v) If the Secretary determines that the Department has the capabilities required to design and build an electronic interface that meets the requirements of paragraph (2), an assessment of the estimated cost and time

that would be required to design and build such electronic interface.

(vi) A description of the decision of the Secretary regarding how the Department plans to establish the electronic interface required under paragraph (2) and the justification of the Secretary for such decision.

(4) LIMITATION ON USE OF AMOUNTS.—The Secretary may not spend any amounts to procure or design and build the electronic interface described in paragraph (2) until the date that is 60 days after the date on which the Secretary submits the report required under paragraph (3)(A)(ii).

SEC. 1097C. TERMINATION OF CERTAIN PROVISIONS AUTHORIZING CARE TO VETERANS THROUGH NON-DEPARTMENT OF VETERANS AFFAIRS PROVIDERS.

(a) TERMINATION OF AUTHORITY TO CONTRACT FOR CARE IN NON-DEPARTMENT FACILITIES.—

(1) IN GENERAL.—Section 1703 of title 38, United States Code, is amended by adding at the end the follow new subsection:

''(e) The authority of the Secretary under this section terminates on December 31, 2017.''.

(2) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—

(i) DENTAL CARE.—Section 1712(a) of such title is amended—

(I) in paragraph (3), by striking ''under clause (1), (2), or (5) of section 1703(a) of this title'' and inserting ''under the Veterans Choice Program (as defined in section 1703B(e) of this title)''; and

(II) in paragraph (4)(A), in the first sentence—

(aa) by striking ''and section 1703 of this title'' and inserting ''and the Veterans Choice Program (as defined in section 1703B(e) of this title)''; and

(bb) by striking ''in section 1703 of this title'' and inserting ''under the Veterans Choice Program''.

(ii) READJUSTMENT COUNSELING.—Section 1712A(e)(1) of such title is amended by striking ''(under sections 1703(a)(2) and 1710(a)(1)(B) of this title)'' and inserting ''(under the Veterans Choice Program (as defined in section 1703B(e) of this title) and section 1710(a)(1)(B) of this title)''.

(iii) DEATH IN DEPARTMENT FACILITY.—Section 2303(a)(2)(B)(i) of such title is amended by striking ''in accordance with section 1703'' and inserting ''under the Veterans Choice Program (as defined in section 1703B(e) of this title)''.

(iv) MEDICARE PROVIDER AGREEMENTS.—Section 1866(a)(1)(L) of the Social Security Act (42 U.S.C. 1395cc(a)(1)(L)) is amended—

(I) by striking ''under section 1703 of title 38'' and inserting ''under the Veterans Choice Program (as defined in section 1703B(e) of title 38, United States Code)''; and

(II) by striking ''such section'' and inserting ''such program''.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect on January 1, 2018.

(b) REPEAL OF AUTHORITY TO CONTRACT FOR SCARCE MEDICAL SPECIALISTS.—

(1) IN GENERAL.—Section 7409 of such title is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 74 of such title is amended by striking the item relating to section 7409.

PART II—HEALTH CARE ADMINISTRATIVE MATTERS

Subpart A—Care From Non-Department Providers

SEC. 1097D. AUTHORIZATION OF AGREEMENTS BETWEEN THE DEPARTMENT OF VETERANS AFFAIRS AND NON-DEPARTMENT PROVIDERS.

(a) IN GENERAL.—Subchapter I of chapter 17 of title 38, United States Code, as amended by section 1097B(a)(1), is further amended by inserting after section 1703B the following new section:

''§ 1703C. Veterans Care Agreements

''(a) AGREEMENTS TO FURNISH CARE.—(1) In addition to the authority of the Secretary under this chapter to furnish hospital care, medical services, and extended care at facilities of the Department and under contracts or sharing agreements entered into under authorities other than this section, the Secretary may furnish hospital care, medical services, and extended care through the use of agreements entered into under this section. An agreement entered into under this section may be referred to as a 'Veterans Care Agreement'.

''(2)(A) The Secretary may enter into agreements under this section with eligible providers that are certified under subsection (d) if the Secretary is not feasibly able to furnish care or services described in paragraph (1) at facilities of the Department.

''(B) The Secretary is not feasibly able to furnish care or services described in paragraph (1) at facilities of the Department if the Secretary determines that the medical condition of the veteran, the travel involved, the nature of the care or services required, or a combination of those factors make the use of facilities of the Department impracticable or inadvisable.

''(b) RECEIPT OF CARE.—Eligibility of a veteran under this section for care or services described in paragraph (1) shall be determined as if such care or services were furnished in a facility of the Department and provisions of this title applicable to veterans receiving such care or services in a facility of the Department shall apply to veterans receiving such care or services under this section.

''(c) ELIGIBLE PROVIDERS.—For purposes of this section, an eligible provider is one of the following:

''(1) A provider of services that has enrolled and entered into a provider agreement under section 1866(a) of the Social Security Act (42 U.S.C. 1395cc(a)).

''(2) A physician or supplier that has enrolled and entered into a participation agreement under section 1842(h) of such Act (42 U.S.C. 1395u(h)).

''(3) A provider of items and services receiving payment under a State plan under title XIX of such Act (42 U.S.C. 1396 et seq.) or a waiver of such a plan.

''(4) A health care provider that is—

''(A) an Aging and Disability Resource Center, an area agency on aging, or a State agency (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)); or

''(B) a center for independent living (as defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a)).

''(5) A provider that is located in—

''(A) an area that is designated as a health professional shortage area (as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e)); or

''(B) a county that is not in a metropolitan statistical area.

''(6) Such other health care providers as the Secretary considers appropriate for purposes of this section.

''(d) CERTIFICATION OF ELIGIBLE PROVIDERS.—(1) The Secretary shall establish a process for the certification of eligible providers under this section that shall, at a minimum, set forth the following.

''(A) Procedures for the submittal of applications for certification and deadlines for actions taken by the Secretary with respect to such applications.

''(B) Standards and procedures for approval and denial of certification, duration of certification, revocation of certification, and recertification.

''(C) Procedures for assessing eligible providers based on the risk of fraud, waste, and abuse of such providers similar to the level of screening under section 1866(j)(2)(B) of the Social Security Act (42 U.S.C. 1395cc(j)(2)(B)) and the standards set forth under section 9.104 of title 48, Code of Federal Regulations, or any successor regulation.

''(2) The Secretary shall deny or revoke certification to an eligible provider under this subsection if the Secretary determines that the eligible provider is currently—

''(A) excluded from participation in a Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f))) under section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a–7 and 1320a–7a); or

''(B) identified as an excluded source on the list maintained in the System for Award Management, or any successor system.

''(e) TERMS OF AGREEMENTS.—Each agreement entered into with an eligible provider under this section shall include provisions requiring the eligible provider to do the following:

''(1) To accept payment for care or services furnished under this section at rates established by the Secretary for purposes of this section, which shall be, to the extent practicable, the rates paid by the United States for such care or services to providers of services and suppliers under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

''(2) To accept payment under paragraph (1) as payment in full for care or services furnished under this section and to not seek any payment for such care or services from the recipient of such care or services.

''(3) To furnish under this section only the care or services authorized by the Department under this section unless the eligible provider receives prior written consent from the Department to furnish care or services outside the scope of such authorization.

''(4) To bill the Department for care or services furnished under this section in accordance with a methodology established by the Secretary for purposes of this section.

''(5) Not to seek to recover or collect from a health-plan contract or third party, as those terms are defined in section 1729 of this title, for any care or services for which payment is made by the Department under this section.

''(6) To provide medical records for veterans furnished care or services under this section to the Department in a time frame and format specified by the Secretary for purposes of this section.

''(7) To meet such other terms and conditions, including quality of care assurance standards, as the Secretary may specify for purposes of this section.

''(f) TERMINATION OF AGREEMENTS.—(1) An eligible provider may terminate an agreement with the Secretary under this section at such time and upon such notice to the Secretary as the Secretary may specify for purposes of this section.

''(2) The Secretary may terminate an agreement with an eligible provider under this section at such time and upon such notice to the eligible provider as the Secretary may specify for purposes of this section, if the Secretary—

''(A) determines that the eligible provider failed to comply substantially with the provisions of the agreement or with the provisions of this section and the regulations prescribed thereunder;

''(B) determines that the eligible provider is—

''(i) excluded from participation in a Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f))) under section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a–7 and 1320a–7a); or

''(ii) identified as an excluded source on the list maintained in the System for Award Management, or any successor system;

''(C) ascertains that the eligible provider has been convicted of a felony or other serious offense under Federal or State law and determines that the continued participation of the eligible provider would be detrimental to the best interests of veterans or the Department; or

''(D) determines that it is reasonable to terminate the agreement based on the health care needs of a veteran or veterans.

''(g) PERIODIC REVIEW OF CERTAIN AGREEMENTS.—(1) Not less frequently than once every two years, the Secretary shall review each Veterans Care Agreement of material size entered into during the two-year period preceding the review to determine whether it is feasible and advisable to furnish the hospital care, medical services, or extended care furnished under such agreement at facilities of the Department or through contracts or sharing agreements entered into under authorities other than this section.

''(2)(A) Subject to subparagraph (B), a Veterans Care Agreement is of material size as determined by the Secretary for purposes of this section.

''(B) A Veterans Care Agreement entered into after September 30, 2016, for the purchase of extended care services is of material size if the purchase of such services under the agreement exceeds $1,000,000 annually. The Secretary may adjust such amount to account for changes in the cost of health care based upon recognized health care market surveys and other available data and shall publish any such adjustments in the Federal Register.

''(h) TREATMENT OF CERTAIN LAWS.—(1) An agreement under this section may be entered into without regard to any law that would require the Secretary to use competitive procedures in selecting the party with which to enter into the agreement.

''(2)(A) Except as provided in subparagraph (B) and unless otherwise provided in this section or regulations prescribed pursuant to this section, an eligible provider that enters into an agreement under this section is not subject to, in the carrying out of the agreement, any law to which an eligible provider described in subsection (b)(1), (b)(2), or (b)(3) is not subject under the original Medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) or the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.).

''(B) The exclusion under subparagraph (A) does not apply to laws regarding integrity, ethics, fraud, or that subject a person to civil or criminal penalties.

''(3) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) shall apply with respect to an eligible provider that enters into an agreement under this section to the same extent as such title applies with respect to the eligible provider in providing care or services through an agreement or arrangement other than under this section.

''(i) MONITORING OF QUALITY OF CARE.—The Secretary shall establish a system or systems, consistent with survey and certification procedures used by the Centers for Medicare & Medicaid Services and State survey agencies to the extent practicable—

''(1) to monitor the quality of care and services furnished to veterans under this section; and

''(2) to assess the quality of care and services furnished by an eligible provider under this section for purposes of determining whether to renew an agreement under this section with the eligible provider.

''(j) DISPUTE RESOLUTION.—The Secretary shall establish administrative procedures for eligible providers with which the Secretary has entered into an agreement under this section to present any dispute arising under or related to the agreement.''.

(b) REGULATIONS.—The Secretary of Veterans Affairs shall prescribe an interim final rule to carry out section 1703C of such title, as added by subsection (a), not later than one year after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title, as amended by section 1097B(a)(2), is further amended by inserting after the item related to section 1703B the following new item:

''1703C. Veterans Care Agreements.''.

SEC. 1097E. MODIFICATION OF AUTHORITY TO ENTER INTO AGREEMENTS WITH STATE HOMES TO PROVIDE NURSING HOME CARE.

(a) USE OF AGREEMENTS.—

(1) IN GENERAL.—Paragraph (1) of section 1745(a) of title 38, United States Code, is amended, in the matter preceding subparagraph (A), by striking ''a contract (or agreement under section 1720(c)(1) of this title)'' and inserting ''an agreement''.

(2) PAYMENT.—Paragraph (2) of such section is amended by striking ''contract (or agreement)'' each place it appears and inserting ''agreement''.

(b) TREATMENT OF CERTAIN LAWS.—Such section is amended by adding at the end the following new paragraph:

''(4)(A) An agreement under this section may be entered into without regard to any law that would require the Secretary to use competitive procedures in selecting the party with which to enter into the agreement.

''(B)(i) Except as provided in clause (ii) and unless otherwise provided in this section or in regulations prescribed pursuant to this section, a State home that enters into an agreement under this section is not subject to, in the carrying out of the agreement, any law to which providers of services and suppliers are not subject under the original Medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) or the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.).

''(ii) The exclusion under clause (i) does not apply to laws regarding integrity, ethics, fraud, or that subject a person to civil or criminal penalties.

''(C) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) shall apply with respect to a State home that enters into an agreement under this section to the same extent as such title applies with respect to the State home in providing care or services through an agreement or arrangement other than under this section.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to agreements entered into under section 1745 of such title on and after the date on which the regulations prescribed by the Secretary of Veterans Affairs to implement such amendments take effect.

(2) PUBLICATION.—The Secretary shall publish the date described in paragraph (1) in the Federal Register not later than 30 days before such date.

SEC. 1097F. EXPANSION OF REIMBURSEMENT FOR EMERGENCY TREATMENT AND URGENT CARE.

(a) IN GENERAL.—Section 1725 of title 38, United States Code, is amended to read as follows:

''§ 1725. Reimbursement for emergency treatment and urgent care

''(a) IN GENERAL.—(1) Subject to the provisions of this section, the Secretary shall reimburse a veteran described in subsection (b) for the reasonable value of emergency treatment or urgent care furnished the veteran in a non-Department facility.

''(2) In any case in which reimbursement of a veteran is authorized under paragraph (1), the Secretary may, in lieu of reimbursing the veteran, make payment of the reasonable value of the furnished emergency treatment or urgent care directly—

''(A) to the hospital or other health care provider that furnished the treatment or care; or

''(B) to the person or organization that paid for such treatment or care on behalf of the veteran.

''(3) Notwithstanding section 111 of this title, reimbursement for the reasonable value of emergency treatment or urgent care under this section shall include reimbursement for the reasonable value of transportation for such emergency treatment or urgent care.

''(b) ELIGIBILITY.—A veteran described in this subsection is an individual who—

''(1) is enrolled in the patient enrollment system of the Department established and operated under section 1705 of this title; and

''(2) has received care under this chapter during the 24-month period preceding the furnishing of the emergency treatment or urgent care for which reimbursement is sought under this section.

''(c) RESPONSIBILITY FOR PAYMENT.—The Secretary shall be the primary payer with respect to reimbursing or otherwise paying the reasonable value of emergency treatment or urgent care under this section.

''(d) LIMITATIONS ON PAYMENT.—(1) The Secretary, in accordance with regulations prescribed by the Secretary for purposes of this section, shall—

''(A) establish the maximum amount payable under subsection (a); and

''(B) delineate the circumstances under which such payments may be made, including such requirements on requesting reimbursement as the Secretary may establish.

''(2)(A) Payment by the Secretary under this section on behalf of a veteran to a provider of emergency treatment or urgent care shall, unless rejected and refunded by the provider within 30 days of receipt—

''(i) constitute payment in full for the emergency treatment or urgent care provided; and

''(ii) extinguish any liability on the part of the veteran for that treatment or care.

''(B) Neither the absence of a contract or agreement between the Secretary and a provider of emergency treatment or urgent care nor any provision of a contract, agreement, or assignment to the contrary shall operate to modify, limit, or negate the requirements of subparagraph (A).

''(C) An individual or entity may not seek to recover from any third party the cost of emergency treatment or urgent care for which the Secretary has made payment under this section.

''(e) RECOVERY.—The United States has an independent right to recover or collect reasonable charges for emergency treatment or urgent care furnished under this section in accordance with the provisions of section 1729 of this title.

''(f) COPAYMENTS.—(1) Except as provided in paragraph (2), a veteran shall pay to the Department a copayment (in an amount prescribed by the Secretary for purposes of this section) for each episode of emergency treatment or urgent care for which reimbursement is provided to the veteran under this section.

''(2) The requirement under paragraph (1) to pay a copayment does not apply to a veteran who—

''(A) would not be required to pay to the Department a copayment for emergency treatment or urgent care furnished at facilities of the Department;

''(B) meets an exemption specified by the Secretary in regulations prescribed by the Secretary for purposes of this section; or

''(C) is admitted to a hospital for treatment or observation following, and in connection with, the emergency treatment or urgent care for which the veteran is provided reimbursement under this section.

''(3) The requirement that a veteran pay a copayment under this section shall apply notwithstanding the authority of the Secretary to offset such a requirement with amounts recovered from a third party under section 1729 of this title.

''(g) DEFINITIONS.—In this section:

''(1) The term 'emergency treatment' means medical care or services furnished, in the judgment of the Secretary—

''(A) when such care or services are rendered in a medical emergency of such nature that a prudent layperson reasonably expects that delay in seeking immediate medical attention would be hazardous to life or health; and

''(B) until—

''(i) such time as the veteran can be transferred safely to a Department facility or community care provider authorized by the Secretary and such facility or provider is capable of accepting such transfer; or

''(ii) such time as a Department facility or community care provider authorized by the Secretary accepts such transfer if—

''(I) at the time the veteran could have been transferred safely to such a facility or provider, no such facility or provider agreed to accept such transfer; and

''(II) the non-Department facility in which such medical care or services was furnished made and documented reasonable attempts to transfer the veteran to a Department facility or community care provider.

''(2) The term 'health-plan contract' includes any of the following:

''(A) An insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar arrangement under which health services for individuals are provided or the expenses of such services are paid.

''(B) An insurance program described in section 1811 of the Social Security Act (42 U.S.C. 1395c) or established by section 1831 of such Act (42 U.S.C. 1395j).

''(C) A State plan for medical assistance approved under title XIX of such Act (42 U.S.C. 1396 et seq.).

''(D) A workers' compensation law or plan described in section 1729(a)(2)(A) of this title.

''(3) The term 'third party' means any of the following:

''(A) A Federal entity.

''(B) A State or political subdivision of a State.

''(C) An employer or an employer's insurance carrier.

''(D) An automobile accident reparations insurance carrier.

''(E) A person or entity obligated to provide, or to pay the expenses of, health services under a health-plan contract.

''(4) The term 'urgent care' shall have the meaning given that term by the Secretary in regulations prescribed by the Secretary for purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by striking the item relating to section 1725 and inserting the following new item:

''1725. Reimbursement for emergency treatment and urgent care.''.

(c) REPEAL OF SUPERSEDED AUTHORITY.—

(1) IN GENERAL.—Section 1728 is repealed.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The repeal made by paragraph (1) shall take effect on the date on which the Secretary of Veterans Affairs prescribes regulations to carry out section 1725 of title 38, United States Code, as amended by subsection (a).

(B) PUBLICATION.—The Secretary shall publish the date specified in subparagraph (A) in the Federal Register and on an publicly available Internet website of the Department of Veterans Affairs not later than 30 days before such date.

(d) CONFORMING AMENDMENTS.—

(1) MEDICAL CARE FOR SURVIVORS AND DEPENDENTS.—Section 1781(a)(4) is amended by striking ''(as defined in section 1725(f) of this title)'' and inserting ''(as defined in section 1725(g) of this title)''.

(2) HEALTH CARE OF FAMILY MEMBERS OF VETERANS STATIONED AT CAMP LEJEUNE, NORTH CAROLINA.—Section 1787(b)(3) is amended by striking ''(as defined in section 1725(f) of this title)'' and inserting ''(as defined in section 1725(g) of this title)''.

(e) REGULATIONS.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall prescribe regulations to carry out the amendments made by this section.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of the enactment of this Act.

SEC. 1097G. REQUIREMENT FOR ADVANCE APPROPRIATIONS FOR THE VETERANS CHOICE PROGRAM ACCOUNT OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 117(c) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(7) Veterans Health Administration, Veterans Choice Program.''.

(b) CONFORMING AMENDMENT.—Section 1105(a)(37) of title 31, United States Code, is amended by adding at the end the following new subparagraph:

''(G) Veterans Health Administration, Veterans Choice Program.''.

(c) APPLICABILITY.—The amendments made by this section shall apply to fiscal years beginning on and after October 1, 2016.

SEC. 1097H. ANNUAL TRANSFER OF AMOUNTS WITHIN DEPARTMENT OF VETERANS AFFAIRS TO PAY FOR HEALTH CARE FROM NON-DEPARTMENT PROVIDERS.

Section 106 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note) is amended by adding at the end the following new subsection:

''(c) ANNUAL TRANSFER OF AMOUNTS.—

''(1) IN GENERAL.—At the beginning of each fiscal year, the Secretary of Veterans Affairs shall transfer to the Veterans Health Administration an amount equal to the amount estimated to be required to furnish hospital care, medical services, and other health care through non-Department of Veterans Affairs providers during that fiscal year.

''(2) ADJUSTMENTS.—During a fiscal year, the Secretary may make adjustments to the amount transferred under paragraph (1) for that fiscal year to accommodate any variances in demand for hospital care, medical services, or other health care through non-Department providers.''.

SEC. 1097I. APPLICABILITY OF DIRECTIVE OF OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS.

(a) IN GENERAL.—Directive 2014-01 of the Office of Federal Contract Compliance Programs of the Department of Labor (effective as of May 7, 2014) shall apply to any health care provider entering into a contract or agreement under section 1703A, 1703C, or 1745 of title 38, United States Code, in the same manner as such directive applies to subcontractors under the TRICARE program.

(b) APPLICABILITY PERIOD.—The directive described in subsection (a), and the moratorium provided under such directive, shall not be altered or rescinded before May 7, 2019.

(c) TRICARE PROGRAM DEFINED.—In this section, the term ''TRICARE program'' has the meaning given that term in section 1072 of title 10, United States Code.

Subpart B—Other Health Care Administrative Matters

SEC. 1097J. REIMBURSEMENT OF CERTAIN ENTITIES FOR EMERGENCY MEDICAL TRANSPORTATION.

(a) IN GENERAL.—Subchapter III of chapter 17 of title 38, United States Code, is amended by inserting after section 1725 the following new section:

''§ 1725A. Reimbursement of certain entities for emergency medical transportation

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall reimburse an ambulance provider or any other entity that provides transportation to a veteran described in section 1725(b) of this title for the purpose of receiving emergency treatment at a non-Department facility the cost of such transportation.

''(b) SERVICE CONNECTION.—(1) The Secretary shall reimburse an ambulance provider or any other entity under subsection (a) regardless of whether the underlying medical condition for which the veteran is seeking emergency treatment is in connection with a service-connected disability.

''(2) If the Secretary determines that the underlying medical condition for which the veteran receives emergency treatment is not in connection with a service-connected disability, the Secretary shall recoup the cost of transportation paid under subsection (a) in connection with such emergency treatment from any health-plan contract under which the veteran is covered.

''(c) TIMING.—Reimbursement under subsection (a) shall be made not later than 30 days after receiving a request for reimbursement under such subsection.

''(d) DEFINITIONS.—In this section, the terms 'emergency treatment' and 'health-plan contract' have the meanings given those terms in section 1725(f) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item related to section 1725 the following new item:

''1725A. Reimbursement for emergency medical transportation.''.

SEC. 1097K. REQUIREMENT THAT DEPARTMENT OF VETERANS AFFAIRS COLLECT HEALTH-PLAN CONTRACT INFORMATION FROM VETERANS.

(a) IN GENERAL.—Subchapter I of chapter 17 is amended by inserting after section 1705 the following new section:

''§ 1705A. Management of health care: information regarding health-plan contracts

''(a) IN GENERAL.—(1) Any individual who seeks hospital care or medical services under this chapter shall provide to the Secretary such current information as the Secretary may require to identify any health-plan contract under which such individual is covered.

''(2) The information required to be provided to the Secretary under paragraph (1) with respect to a health-plan contract shall include, as applicable, the following:

''(A) The name of the entity providing coverage under the health-plan contract.

''(B) If coverage under the health-plan contract is in the name of an individual other than the individual required to provide information under this section, the name of the policy holder of the health-plan contract.

''(C) The identification number for the health-plan contract.

''(D) The group code for the health-plan contract.

''(b) ACTION TO COLLECT INFORMATION.—The Secretary may take such action as the Secretary considers appropriate to collect the information required under subsection (a).

''(c) EFFECT ON SERVICES FROM DEPARTMENT.—The Secretary may not deny any services under this chapter to an individual solely due to the fact that the individual fails to provide information required under subsection (a).

''(d) HEALTH-PLAN CONTRACT DEFINED.—In this section, the term 'health-plan contract' has the meaning given that term in section 1725(g) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1705 the following new item:

''1705A. Management of health care: information regarding health-plan contracts.''.

SEC. 1097L. MODIFICATION OF HOURS OF EMPLOYMENT FOR PHYSICIANS AND PHYSICIAN ASSISTANTS EMPLOYED BY THE DEPARTMENT OF VETERANS AFFAIRS.

Section 7423(a) of title 38, United States Code, is amended—

(1) by striking ''(a) The hours'' and inserting ''(a)(1) Except as provided in paragraph (2), the hours''; and

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

''(2) The Secretary may modify the hours of employment for a physician or physician assistant appointed in the Administration under any provision of this chapter on a full-time basis to be more than or less than 80 hours in a biweekly pay period if the total hours of employment for such employee in a calendar year are not less than 2,080 hours.''.

PART III—FAMILY CAREGIVERS

SEC. 1097M. EXPANSION OF FAMILY CAREGIVER PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.

(a) FAMILY CAREGIVER PROGRAM.—

(1) EXPANSION OF ELIGIBILITY.—

(A) IN GENERAL.—Subsection (a)(2)(B) of section 1720G of title 38, United States Code, is amended to read as follows:

''(B) for assistance provided under this subsection—

''(i) before the date on which the Secretary submits to Congress a certification that the Department has fully implemented the information technology system required by section 1097N(a) of the National Defense Authorization Act for Fiscal Year 2017, has a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, or air service on or after September 11, 2001;

''(ii) during the two-year period beginning on the date specified in clause (i), has a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, or air service—

''(I) on or before May 7, 1975; or

''(II) on or after September 11, 2001; or

''(iii) after the date that is two years after the date specified in clause (i), has a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, or air service; and''.

(B) PUBLICATION IN FEDERAL REGISTER.—Not later than 30 days after the date on which the Secretary of Veterans Affairs submits to Congress the certification described in subsection (a)(2)(B)(i) of section 1720G of such title, as amended by subparagraph (A) of this paragraph, the Secretary shall publish the date specified in such subsection in the Federal Register.

(2) EXPANSION OF NEEDED SERVICES IN ELIGIBILITY CRITERIA.—Subsection (a)(2)(C) of such section is amended—

(A) in clause (ii), by striking ''; or'' and inserting a semicolon;

(B) by redesignating clause (iii) as clause (iv); and

(C) by inserting after clause (ii) the following new clause (iii):

''(iii) a need for regular or extensive instruction or supervision without which the ability of the veteran to function in daily life would be seriously impaired; or''.

(3) EXPANSION OF SERVICES PROVIDED.—Subsection (a)(3)(A)(ii) of such section is amended—

(A) in subclause (IV), by striking ''; and'' and inserting a semicolon;

(B) in subclause (V), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subclause:

''(VI) through the use of contracts with, or the provision of grants to, public or private entities—

''(aa) financial planning services relating to the needs of injured veterans and their caregivers; and

''(bb) legal services, including legal advice and consultation, relating to the needs of injured veterans and their caregivers.''.

(4) MODIFICATION OF STIPEND CALCULATION.—Subsection (a)(3)(C) of such section is amended—

(A) by redesignating clause (iii) as clause (iv); and

(B) by inserting after clause (ii) the following new clause (iii):

''(iii) In determining the amount and degree of personal care services provided under clause (i) with respect to an eligible veteran whose need for personal care services is based in whole or in part on a need for supervision or protection under paragraph (2)(C)(ii) or regular or extensive instruction or supervision under paragraph (2)(C)(iii), the Secretary shall take into account the following:

''(I) The assessment by the family caregiver of the needs and limitations of the veteran.

''(II) The extent to which the veteran can function safely and independently in the absence of such supervision, protection, or instruction.

''(III) The amount of time required for the family caregiver to provide such supervision, protection, or instruction to the veteran.''.

(5) PERIODIC EVALUATION OF NEED FOR CERTAIN SERVICES.—Subsection (a)(3) of such section is amended by adding at the end the following new subparagraph:

''(D) In providing instruction, preparation, and training under subparagraph (A)(i)(I) and technical support under subparagraph (A)(i)(II) to each family caregiver who is approved as a provider of personal care services for an eligible veteran under paragraph (6), the Secretary shall periodically evaluate the needs of the eligible veteran and the skills of the family caregiver of such veteran to determine if additional instruction, preparation, training, or technical support under those subparagraphs is necessary.''.

(6) USE OF PRIMARY CARE TEAMS.—Subsection (a)(5) of such section is amended, in the matter preceding subparagraph (A), by inserting ''(in collaboration with the primary care team for the eligible veteran to the maximum extent practicable)'' after ''evaluate''.

(7) ASSISTANCE FOR FAMILY CAREGIVERS.—Subsection (a) of such section is amended by adding at the end the following new paragraph:

''(11)(A) In providing assistance under this subsection to family caregivers of eligible veterans, the Secretary may enter into contracts, provider agreements, and memoranda of understanding with Federal agencies, States, and private, nonprofit, and other entities to provide such assistance to such family caregivers.

''(B) The Secretary may provide assistance under this paragraph only if such assistance is reasonably accessible to the family caregiver and is substantially equivalent or better in quality to similar services provided by the Department.

''(C) The Secretary may provide fair compensation to Federal agencies, States, and other entities that provide assistance under this paragraph.''.

(b) MODIFICATION OF DEFINITION OF PERSONAL CARE SERVICES.—Subsection (d)(4) of such section is amended—

(1) in subparagraph (A), by striking ''independent'';

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

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

''(B) Supervision or protection based on symptoms or residuals of neurological or other impairment or injury.

''(C) Regular or extensive instruction or supervision without which the ability of the veteran to function in daily life would be seriously impaired.''.

SEC. 1097N. IMPLEMENTATION OF INFORMATION TECHNOLOGY SYSTEM OF DEPARTMENT OF VETERANS AFFAIRS TO ASSESS AND IMPROVE THE FAMILY CAREGIVER PROGRAM.

(a) IMPLEMENTATION OF NEW SYSTEM.—

(1) IN GENERAL.—Not later than December 31, 2016, the Secretary of Veterans Affairs shall implement an information technology system that fully supports the Program and allows for data assessment and comprehensive monitoring of the Program.

(2) ELEMENTS OF SYSTEM.—The information technology system required to be implemented under paragraph (1) shall include the following:

(A) The ability to easily retrieve data that will allow all aspects of the Program (at the medical center and aggregate levels) and the workload trends for the Program to be assessed and comprehensively monitored.

(B) The ability to manage data with respect to a number of caregivers that is more than the number of caregivers that the Secretary expects to apply for the Program.

(C) The ability to integrate the system with other relevant information technology systems of the Veterans Health Administration.

(b) ASSESSMENT OF PROGRAM.—Not later than 180 days after implementing the system described in subsection (a), the Secretary shall, through the Under Secretary for Health, use data from the system and other relevant data to conduct an assessment of how key aspects of the Program are structured and carried out.

(c) ONGOING MONITORING OF AND MODIFICATIONS TO PROGRAM.—

(1) MONITORING.—The Secretary shall use the system implemented under subsection

(a) to monitor and assess the workload of the Program, including monitoring and assessment of data on—

(A) the status of applications, appeals, and home visits in connection with the Program; and

(B) the use by caregivers participating in the Program of other support services under the Program such as respite care.

(2) MODIFICATIONS.—Based on the monitoring and assessment conducted under paragraph (1), the Secretary shall identify and implement such modifications to the Program as the Secretary considers necessary to ensure the Program is functioning as intended and providing veterans and caregivers participating in the Program with services in a timely manner.

(d) REPORTS.—

(1) INITIAL REPORT.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and the Comptroller General of the United States a report that includes—

(i) the status of the planning, development, and deployment of the system required to be implemented under subsection (a), including any changes in the timeline for the implementation of the system; and

(ii) an assessment of the needs of family caregivers of veterans described in subparagraph (B), the resources needed for the inclusion of such family caregivers in the Program, and such changes to the Program as the Secretary considers necessary to ensure the successful expansion of the Program to include such family caregivers.

(B) VETERANS DESCRIBED.—Veterans described in this subparagraph are veterans who are eligible for the Program under clause (ii) or (iii) of section 1720G(a)(2)(B) of title 38, United States Code, as amended by section 1097M(a)(1) of this Act, solely due to a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, or air service before September 11, 2001.

(2) NOTIFICATION BY COMPTROLLER GENERAL.—The Comptroller General shall review the report submitted under paragraph (1) and notify the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives with respect to the progress of the Secretary in—

(A) fully implementing the system required under subsection (a); and

(B) implementing a process for using such system to monitor and assess the Program under subsection (c)(1) and modify the Program as considered necessary under subsection (c)(2).

(3) FINAL REPORT.—

(A) IN GENERAL.—Not later than December 31, 2017, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and the Comptroller General a report on the implementation of subsections (a) through (c).

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

(i) A certification by the Secretary with respect to whether the information technology system described in subsection (a) has been implemented.

(ii) A description of how the Secretary has implemented such system.

(iii) A description of the modifications to the Program, if any, that were identified and implemented under subsection (c)(2).

(iv) A description of how the Secretary is using such system to monitor the workload of the Program.

(e) DEFINITIONS.—In this section:

(1) ACTIVE MILITARY, NAVAL, OR AIR SERVICE.—The term ''active military, naval, or air service'' has the meaning given that term in section 101 of title 38, United States Code.

(2) PROGRAM.—The term ''Program'' means the program of comprehensive assistance for family caregivers under section 1720G(a) of title 38, United States Code, as amended by section 1097M of this Act.

SEC. 1097O. MODIFICATIONS TO ANNUAL EVALUATION REPORT ON CAREGIVER PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.

(a) BARRIERS TO CARE AND SERVICES.—Subparagraph (A)(iv) of section 101(c)(2) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 38 U.S.C. 1720G note) is amended by inserting '', including a description of any barriers to accessing and receiving care and services under such programs'' before the semicolon.

(b) SUFFICIENCY OF TRAINING FOR FAMILY CAREGIVER PROGRAM.—Subparagraph (B) of such section is amended—

(1) in clause (i), by striking ''; and'' and inserting a semicolon;

(2) in clause (ii), by striking the period at the end and inserting ''; and''; and

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

''(iii) an evaluation of the sufficiency and consistency of the training provided to family caregivers under such program in preparing family caregivers to provide care to veterans under such program.''.

SEC. 1097P. ADVISORY COMMITTEE ON CAREGIVER POLICY.

(a) ESTABLISHMENT.—There is established in the Department of Veterans Affairs an advisory committee on policies relating to caregivers of veterans (in this section referred to as the ''Committee'').

(b) COMPOSITION.—The Committee shall be composed of the following:

(1) A Chair selected by the Secretary of Veterans Affairs.

(2) A representative from each of the following agencies or organizations selected by the head of such agency or organization:

(A) The Department of Veterans Affairs.

(B) The Department of Defense.

(C) The Department of Health and Human Services.

(D) The Department of Labor.

(E) The Centers for Medicare and Medicaid Services.

(3) Not fewer than seven individuals who are not employees of the Federal Government selected by the Secretary from among the following individuals:

(A) Academic experts in fields relating to caregivers.

(B) Clinicians.

(C) Caregivers.

(D) Individuals in receipt of caregiver services.

(E) Such other individuals with expertise that is relevant to the duties of the Committee as the Secretary considers appropriate.

(c) DUTIES.—The duties of the Committee are as follows:

(1) To regularly review and recommend policies of the Department of Veterans Affairs relating to caregivers of veterans.

(2) To examine and advise the implementation of such policies.

(3) To evaluate the effectiveness of such policies.

(4) To recommend standards of care for caregiver services and respite care services provided to a caregiver or veteran by a nonprofit or private sector entity.

(5) To develop recommendations for legislative or administrative action to enhance the provision of services to caregivers and veterans, including eliminating gaps in such services and eliminating disparities in eligibility for such services.

(6) To make recommendations on coordination with State and local agencies and relevant nonprofit organizations on maximizing the use and effectiveness of resources for caregivers of veterans.

(d) REPORTS.—

(1) ANNUAL REPORT TO SECRETARY.—

(A) IN GENERAL.—Not later than September 1, 2017, and not less frequently than annually thereafter until the termination date specified in subsection (e), the Chair of the Committee shall submit to the Secretary a report on policies and services of the Department of Veterans Affairs relating to caregivers of veterans.

(B) ELEMENTS.—Each report required by subparagraph (A) shall include the following:

(i) An assessment of the policies of the Department relating to caregivers of veterans and services provided pursuant to such policies as of the date of the submittal of the report.

(ii) A description of any recommendations made by the Committee to improve the coordination of services for caregivers of veterans between the Department and the entities specified in subparagraphs (B) through (E) of subsection (b)(2) and to eliminate barriers to the effective use of such services, including with respect to eligibility criteria.

(iii) An evaluation of the effectiveness of the Department in providing services for caregivers of veterans.

(iv) An evaluation of the quality and sufficiency of services for caregivers of veterans available from nongovernmental organizations.

(v) A description of any gaps identified by the Committee in care or services provided by caregivers to veterans and recommendations for legislative or administrative action to address such gaps.

(vi) Such other matters or recommendations as the Chair considers appropriate.

(2) TRANSMITTAL TO CONGRESS.—Not later than 90 days after the receipt of a report under paragraph (1), the Secretary shall transmit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a copy of such report, together with such comments and recommendations concerning such report as the Secretary considers appropriate.

(e) TERMINATION.—The Committee shall terminate on December 31, 2022.

SEC. 1097Q. COMPREHENSIVE STUDY ON SERIOUSLY INJURED VETERANS AND THEIR CAREGIVERS.

(a) STUDY REQUIRED.—During the period specified in subsection (d), the Secretary of Veterans Affairs shall provide for the conduct by an independent entity of a comprehensive study on the following:

(1) Veterans who have incurred a serious injury or illness, including a mental health injury or illness.

(2) Individuals who are acting as caregivers for veterans.

(b) ELEMENTS.—The comprehensive study required by subsection (a) shall include the following with respect to each veteran included in such study:

(1) The health of the veteran and, if applicable, the impact of the caregiver of such veteran on the health of such veteran.

(2) The employment status of the veteran and, if applicable, the impact of the caregiver of such veteran on the employment status of such veteran.

(3) The financial status and needs of the veteran.

(4) The use by the veteran of benefits available to such veteran from the Department of Veterans Affairs.

(5) Such other information as the Secretary considers appropriate.

(c) CONTRACT.—The Secretary shall enter into a contract with an appropriate independent entity to conduct the study required by subsection (a).

(d) PERIOD SPECIFIED.—The period specified in this subsection is the one-year period beginning on the date that is four years after the date specified in section 1720G(a)(2)(B)(i) of title 38, United States Code, as amended by section 1097M(a)(1) of this Act.

(e) REPORT.—Not later than 30 days after the end of the period specified in subsection (d), 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 on the results of the study required by subsection (a).

PART IV—FACILITY CONSTRUCTION AND LEASES

Subpart A—Medical Facility Construction and Leases

SEC. 1097R. AUTHORIZATION OF CERTAIN MAJOR MEDICAL FACILITY PROJECTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in an amount not to exceed the amount specified for that project:

(1) Seismic corrections to buildings, including retrofitting and replacement of high-risk buildings, in San Francisco, California, in an amount not to exceed $317,300,000.

(2) Seismic corrections to facilities, including facilities to support homeless veterans, at the medical center in West Los Angeles, California, in an amount not to exceed $370,800,000.

(3) Seismic corrections to the mental health and community living center in Long Beach, California, in an amount not to exceed $317,300,000.

(4) Construction of an outpatient clinic, administrative space, cemetery, and columbarium in Alameda, California, in an amount not to exceed $240,200,000.

(5) Realignment of medical facilities in Livermore, California, in an amount not to exceed $415,600,000.

(6) Construction of a replacement community living center in Perry Point, Maryland, in an amount not to exceed $92,700,000.

(7) Seismic corrections and other renovations to several buildings and construction of a specialty care building in American Lake, Washington, in an amount not to exceed $161,700,000.

SEC. 1097S. AUTHORIZATION OF CERTAIN MAJOR MEDICAL FACILITY LEASES OF THE DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Veterans Affairs may carry out the following major medical facility leases at the locations specified and in an amount for each lease not to exceed the amount specified for such location (not including any estimated cancellation costs):

(1) For an outpatient clinic, Ann Arbor, Michigan, an amount not to exceed $17,093,000.

(2) For an outpatient mental health clinic, Birmingham, Alabama, an amount not to exceed $6,971,000.

(3) For an outpatient specialty clinic, Birmingham, Alabama, an amount not to exceed $10,479,000.

(4) For research space, Boston, Massachusetts, an amount not to exceed $5,497,000.

(5) For research space, Charleston, South Carolina, an amount not to exceed $6,581,000.

(6) For an outpatient clinic, Daytona Beach, Florida, an amount not to exceed $12,664,000.

(7) For Chief Business Office Purchased Care office space, Denver, Colorado, an amount not to exceed $17,215,000.

(8) For an outpatient clinic, Gainesville, Florida, an amount not to exceed $4,686,000.

(9) For an outpatient clinic, Hampton Roads, Virginia, an amount not to exceed $18,124,000.

(10) For research space, Mission Bay, California, an amount not to exceed $23,454,000.

(11) For an outpatient clinic, Missoula, Montana, an amount not to exceed $7,130,000.

(12) For an outpatient clinic, Northern Colorado, Colorado, an amount not to exceed $8,776,000.

(13) For an outpatient clinic, Ocala, Florida, an amount not to exceed $5,279,000.

(14) For an outpatient clinic, Oxnard, California, an amount not to exceed $6,297,000.

(15) For an outpatient clinic, Pike County, Georgia, an amount not to exceed $5,757,000.

(16) For an outpatient clinic, Portland, Maine, an amount not to exceed $6,846,000.

(17) For an outpatient clinic, Raleigh, North Carolina, an amount not to exceed $21,607,000.

(18) For an outpatient clinic, Santa Rosa, California, an amount not to exceed $6,498,000.

(19) For a replacement outpatient clinic, Corpus Christi, Texas, an amount not to exceed $7,452,000.

(20) For a replacement outpatient clinic, Jacksonville, Florida, an amount not to exceed $18,136,000.

(21) For a replacement outpatient clinic, Pontiac, Michigan, an amount not to exceed $4,532,000.

(22) For a replacement outpatient clinic, phase II, Rochester, New York, an amount not to exceed $6,901,000.

(23) For a replacement outpatient clinic, Tampa, Florida, an amount not to exceed $10,568,000.

(24) For a replacement outpatient clinic, Terre Haute, Indiana, an amount not to exceed $4,475,000.

SEC. 1097T. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2016 or the year in which funds are appropriated for the Construction, Major Projects, account $1,915,600,000 for the projects authorized in section 1097R.

(b) AUTHORIZATION OF APPROPRIATIONS FOR MEDICAL FACILITY LEASES.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2016 or the year in which funds are appropriated for the Medical Facilities account $190,954,000 for the leases authorized in section 1097S.

(c) LIMITATION.—The projects authorized in section 1097R may only be carried out using—

(1) funds appropriated for fiscal year 2016 pursuant to the authorization of appropriations in subsection (b);

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2016 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2016 that remain available for obligation;

(4) funds appropriated for Construction, Major Projects, for fiscal year 2016 for a category of activity not specific to a project;

(5) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2016 for a category of activity not specific to a project; and

(6) funds appropriated for Construction, Major Projects, for a fiscal year after fiscal year 2016 for a category of activity not specific to a project.

Subpart B—Leases at Department of Veterans Affairs West Los Angeles Campus

SEC. 1097U. AUTHORITY TO ENTER INTO CERTAIN LEASES AT THE DEPARTMENT OF VETERANS AFFAIRS WEST LOS ANGELES CAMPUS.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out leases described in subsection (b) at the Department of Veterans Affairs West Los Angeles Campus in Los Angeles, California (hereinafter in this section referred to as the ''Campus'').

(b) LEASES DESCRIBED.—Leases described in this subsection are the following:

(1) Any enhanced-use lease of real property under subchapter V of chapter 81 of title 38, United States Code, for purposes of providing supportive housing, as that term is defined in section 8161(3) of such title, that principally benefit veterans and their families.

(2) Any lease of real property for a term not to exceed 50 years to a third party to provide services that principally benefit veterans and their families and that are limited to one or more of the following purposes:

(A) The promotion of health and wellness, including nutrition and spiritual wellness.

(B) Education.

(C) Vocational training, skills building, or other training related to employment.

(D) Peer activities, socialization, or physical recreation.

(E) Assistance with legal issues and Federal benefits.

(F) Volunteerism.

(G) Family support services, including child care.

(H) Transportation.

(I) Services in support of one or more of the purposes specified in subparagraphs (A) through (H).

(3) A lease of real property for a term not to exceed 10 years to The Regents of the University of California, a corporation organized under the laws of the State of California, on behalf of its University of California, Los Angeles (UCLA) campus (hereinafter in this section referred to as ''The Regents''), if—

(A) the lease is consistent with the master plan described in subsection (g);

(B) the provision of services to veterans is the predominant focus of the activities of The Regents at the Campus during the term of the lease;

(C) The Regents expressly agrees to provide, during the term of the lease and to an extent and in a manner that the Secretary considers appropriate, additional services and support (for which The Regents is not compensated by the Secretary or through an existing medical affiliation agreement) that—

(i) principally benefit veterans and their families, including veterans who are severely disabled, women, aging, or homeless; and

(ii) may consist of activities relating to the medical, clinical, therapeutic, dietary, rehabilitative, legal, mental, spiritual, physical, recreational, research, and counseling needs of veterans and their families or any of the purposes specified in any of subparagraphs (A) through (I) of paragraph (2); and

(D) The Regents maintains records documenting the value of the additional services and support that The Regents provides pursuant to subparagraph (C) for the duration of the lease and makes such records available to the Secretary.

(c) LIMITATION ON LAND-SHARING AGREEMENTS.—The Secretary may not carry out any land-sharing agreement pursuant to section 8153 of title 38, United States Code, at the Campus unless such agreement—

(1) provides additional health-care resources to the Campus; and

(2) benefits veterans and their families other than from the generation of revenue for the Department of Veterans Affairs.

(d) REVENUES FROM LEASES AT THE CAMPUS.—Any funds received by the Secretary under a lease described in subsection (b) shall be credited to the applicable Department medical facilities account and shall be available, without fiscal year limitation and without further appropriation, exclusively for the renovation and maintenance of the land and facilities at the Campus.

(e) EASEMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (other than Federal laws relating to environmental and historic preservation), pursuant to section 8124 of title 38, United States Code, the Secretary may grant easements or rights-of-way on, above, or under lands at the Campus to—

(A) any local or regional public transportation authority to access, construct, use, operate, maintain, repair, or reconstruct public mass transit facilities, including, fixed guideway facilities and transportation centers; and

(B) the State of California, County of Los Angeles, City of Los Angeles, or any agency or political subdivision thereof, or any public utility company (including any company providing electricity, gas, water, sewage, or telecommunication services to the public) for the purpose of providing such public utilities.

(2) IMPROVEMENTS.—Any improvements proposed pursuant to an easement or right-of-way authorized under paragraph (1) shall be subject to such terms and conditions as the Secretary considers appropriate.

(3) TERMINATION.—Any easement or right-of-way authorized under paragraph (1) shall be terminated upon the abandonment or nonuse of the easement or right-of-way and all right, title, and interest in the land covered by the easement or right-of-way shall revert to the United States.

(f) PROHIBITION ON SALE OF PROPERTY.—Notwithstanding section 8164 of title 38, United States Code, the Secretary may not sell or otherwise convey to a third party fee simple title to any real property or improvements to real property made at the Campus.

(g) CONSISTENCY WITH MASTER PLAN.—The Secretary shall ensure that each lease carried out under this section is consistent with the draft master plan approved by the Secretary on January 28, 2016, or successor master plans.

(h) COMPLIANCE WITH CERTAIN LAWS.—

(1) LAWS RELATING TO LEASES AND LAND USE.—If the Inspector General of the Department of Veterans Affairs determines, as part of an audit report or evaluation conducted by the Inspector General, that the Department is not in compliance with all Federal laws relating to leases and land use at the Campus, or that significant mismanagement has occurred with respect to leases or land use at the Campus, the Secretary may not enter into any lease or land-sharing agreement at the Campus, or renew any such lease or land-sharing agreement that is not in compliance with such laws, until the Secretary certifies to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and each Member of the Senate and the House of Representatives who represents the area in which the Campus is located that all recommendations included in the audit report or evaluation have been implemented.

(2) COMPLIANCE OF PARTICULAR LEASES.—Except as otherwise expressly provided by this section, no lease may be entered into or renewed under this section unless the lease complies with chapter 33 of title 41, United States Code, and all Federal laws relating to environmental and historic preservation.

(i) COMMUNITY VETERANS ENGAGEMENT BOARD.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a Community Veterans Engagement Board (in this subsection referred to as the ''Board'') for the Campus to coordinate locally with the Department of Veterans Affairs to—

(A) identify the goals of the community; and

(B) provide advice and recommendations to the Secretary to improve services and outcomes for veterans, members of the Armed Forces, and the families of such veterans and members.

(2) MEMBERS.—The Board shall be comprised of a number of members that the Secretary determines appropriate, of which not less than 50 percent shall be veterans. The nonveteran members shall be family members of veterans, veteran advocates, service providers, or stakeholders.

(3) COMMUNITY INPUT.—In carrying out subparagraphs (A) and (B) of paragraph (1), the Board shall—

(A) provide the community opportunities to collaborate and communicate with the Board, including by conducting public forums on the Campus; and

(B) focus on local issues regarding the Department that are identified by the community, including with respect to health care, benefits, and memorial services at the Campus.

(j) NOTIFICATION AND REPORTS.—

(1) CONGRESSIONAL NOTIFICATION.—With respect to each lease or land-sharing agreement intended to be entered into or renewed at the Campus, the Secretary shall notify the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and each Member of the Senate and the House of Representatives who represents the area in which the Campus is located of the intent of the Secretary to enter into or renew the lease or land-sharing agreement not later than 45 days before entering into or renewing the lease or land-sharing agreement.

(2) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act, and not less frequently than annually thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and each Member of the Senate and the House of Representatives who represents the area in which the Campus is located an annual report evaluating all leases and land-sharing agreements carried out at the Campus, including—

(A) an evaluation of the management of the revenue generated by the leases; and

(B) the records described in subsection (b)(3)(D).

(3) INSPECTOR GENERAL REPORT.—

(A) IN GENERAL.—Not later than each of two years and five years after the date of the enactment of this Act, and as determined necessary by the Inspector General of the Department of Veterans Affairs thereafter, the Inspector General shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and each Member of the Senate and the House of Representatives who represents the area in which the Campus is located a report on all leases carried out at the Campus and the management by the Department of the use of land at the Campus, including an assessment of the efforts of the Department to implement the master plan described in subsection (g) with respect to the Campus.

(B) CONSIDERATION OF ANNUAL REPORT.—In preparing each report required by subparagraph (A), the Inspector General shall take into account the most recent report submitted to Congress by the Secretary under paragraph (2).

(k) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as a limitation on the authority of the Secretary to enter into other agreements regarding the Campus that are authorized by law and not inconsistent with this section.

(l) PRINCIPALLY BENEFIT VETERANS AND THEIR FAMILIES DEFINED.—In this section the term ''principally benefit veterans and their families'', with respect to services provided by a person or entity under a lease of property or land-sharing agreement—

(1) means services—

(A) provided exclusively to veterans and their families; or

(B) that are designed for the particular needs of veterans and their families, as opposed to the general public, and any benefit of those services to the general public is distinct from the intended benefit to veterans and their families; and

(2) excludes services in which the only benefit to veterans and their families is the generation of revenue for the Department of Veterans Affairs.

(m) CONFORMING AMENDMENTS.—

(1) PROHIBITION ON DISPOSAL OF PROPERTY.—Section 224(a) of the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2272) is amended by striking ''The Secretary of Veterans Affairs'' and inserting ''Except as authorized under section 1097U of the National Defense Authorization Act for Fiscal Year 2017, the Secretary of Veterans Affairs''.

(2) ENHANCED-USE LEASES.—Section 8162(c) of title 38, United States Code, is amended by inserting '', other than an enhanced-use lease under section 1097U of the National Defense Authorization Act for Fiscal Year 2017,'' before ''shall be considered''.

PART V—OTHER VETERANS MATTERS

SEC. 1097V. 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 its territorial seas)'' 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 its territorial seas)'' 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 if enacted on September 25, 1985.

PART VI—OTHER MATTERS

SEC. 1097W. TEMPORARY VISA FEE FOR EMPLOYERS WITH MORE THAN 50 PERCENT FOREIGN WORKFORCE.

(a) IN GENERAL.—Section 411 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note), as added by section 402(g) of the James Zadroga 9/11 Victim Compensation Fund Reauthorization Act (title IV of division O of Public Law 114–113), is amended—

(1) by amending to section heading to read as follows: ''**TEMPORARY VISA FEE FOR EMPLOYERS WITH MORE THAN 50 PERCENT FOREIGN WORKFORCE**''; and

(2) by striking subsections (a) and (b) and inserting the following:

''(a) TEMPORARY L VISA FEE INCREASE.—Notwithstanding section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) or any other provision of law, the filing fee required to be submitted with a petition filed under section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L)), except for an amended petition without an extension of stay request,

shall be increased by $4,500 for petitioners that employ 50 or more employees in the United States if more than 50 percent of the petitioner's employees are nonimmigrants described in subparagraph (H)(1)(b) or (L) of section 101(a)(15) of such Act. This fee shall also apply to petitioners described in this subsection who file an individual petition on the basis of an approved blanket petition.

''(b) TEMPORARY H-1B VISA FEE INCREASE.—Notwithstanding section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) or any other provision of law, the filing fee required to be submitted with a petition under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)), except for an amended petition without an extension of stay request, shall be increased by $4,000 for petitioners that employ 50 or more employees in the United States if more than 50 percent of the petitioner's employees are nonimmigrants described in subparagraph (H)(1)(b) or (L) of section 101(a)(15) of such Act.''.

(b) EFFECTIVE DATES.—The amendments made by subsection (a)—

(1) shall take effect on the date that is 30 days after the date of the enactment of this Act; and

(2) shall apply to any petition filed during the period beginning on such effective date and ending on September 30, 2025.

SA 4664. Ms. KLOBUCHAR (for herself and Mrs. ERNST) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. PILOT PROGRAM ESTABLISHING A PATIENT SELF-SCHEDULING APPOINTMENT SYSTEM FOR THE DEPARTMENT OF VETERANS AFFAIRS.

(a) PILOT PROGRAM.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence a pilot program under which veterans use an Internet website to schedule and confirm appointments for health care at medical facilities of the Department of Veterans Affairs.

(b) SELECTION OF LOCATIONS.—The Secretary shall select not fewer than three Veterans Integrated Services Networks in which to carry out the pilot program under subsection (a).

(c) CONTRACTS.—

(1) AUTHORITY.—The Secretary shall seek to enter into a contract with one or more contractors that are able to meet the criteria under paragraph (3) to provide the scheduling and confirmation capability described in subsection (a).

(2) NOTICE OF COMPETITION.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall issue a request for proposals for the contract described in paragraph (1).

(B) OPEN REQUEST.—The request for proposals issued under subparagraph (A) shall be full and open to any contractor that is able to meet the criteria under paragraph (3).

(3) SELECTION OF VENDORS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall enter into a contract with one or more contractors that have an existing commercially available online patient self-scheduling capability that—

(A) allows patients to self-schedule, confirm, and modify outpatient and specialty care appointments in real time through an Internet website;

(B) makes available, in real time, any appointments that were previously filled but later canceled by other patients; and

(C) allows patients to use the online scheduling capability 24 hours per day, seven days per week.

(4) INTEGRATION WITH EXISTING INFRASTRUCTURE.—The Secretary shall ensure that a contractor awarded a contract under this section is able to integrate the online scheduling capability of the contractor with the Veterans Health Information Systems and Technology Architecture of the Department.

(d) DURATION OF PILOT PROGRAM.—

(1) IN GENERAL.—Except as provided by paragraph (2), the Secretary shall carry out the pilot program under subsection (a) during the 18-month period beginning on the commencement of the pilot program.

(2) EXTENSION.—The Secretary may extend the duration of the pilot program under subsection (a), and may expand the selection of Veterans Integrated Services Networks under subsection (b), if the Secretary determines that the pilot program is reducing the wait times of veterans seeking health care from the Department and ensuring that more available appointment times are filled.

(e) REPORT.—Not later than one year after commencing the pilot program under subsection (a), 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 on the outcomes of the pilot program, including—

(1) whether the pilot program demonstrated—

(A) improvements to the ability of veterans to schedule appointments for the receipt of health care from the Department; and

(B) a reduction in wait times for such appointments; and

(2) such recommendations for expanding the pilot program to additional Veterans Integrated Services Networks as the Secretary considers appropriate.

(f) USE OF AMOUNTS OTHERWISE APPROPRIATED.—No additional amounts are authorized to be appropriated to carry out the pilot program under subsection (a) and such pilot program shall be carried out using amounts otherwise made available to the Secretary of Veterans Affairs for the medical support and compliance account of the Veterans Health Administration.

SA 4665. Mr. HELLER (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. CONSTITUTIONAL CONCEALED CARRY RECIPROCITY ACT.

(a) SHORT TITLE.—This section may be cited as the ''Constitutional Concealed Carry Reciprocity Act of 2016''.

(b) RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

''§ 926D. Reciprocity for the carrying of certain concealed firearms

''(a) IN GENERAL.—Notwithstanding any provision of the law of any State or political subdivision thereof to the contrary—

''(1) an individual who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic identification document and a valid license or permit which is issued pursuant to the law of a State and which permits the individual to carry a concealed firearm, may possess or carry a concealed handgun (other than a machinegun or destructive device) that has been shipped or transported in interstate or foreign commerce in any State other than the State of residence of the individual that—

''(A) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

''(B) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes; and

''(2) an individual who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic identification document and is entitled and not prohibited from carrying a concealed firearm in the State in which the individual resides otherwise than as described in paragraph (1), may possess or carry a concealed handgun (other than a machinegun or destructive device) that has been shipped or transported in interstate or foreign commerce in any State other than the State of residence of the individual that—

''(A) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

''(B) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes.

''(b) CONDITIONS AND LIMITATIONS.—The possession or carrying of a concealed handgun in a State under this section shall be subject to the same conditions and limitations, except as to eligibility to possess or carry, imposed by or under Federal or State law or the law of a political subdivision of a State, that apply to the possession or carrying of a concealed handgun by residents of the State or political subdivision who are licensed by the State or political subdivision to do so, or not prohibited by the State from doing so.

''(c) UNRESTRICTED LICENSE OR PERMIT.—In a State that allows the issuing authority for licenses or permits to carry concealed firearms to impose restrictions on the carrying of firearms by individual holders of such licenses or permits, an individual carrying a concealed handgun under this section shall be permitted to carry a concealed handgun according to the same terms authorized by an unrestricted license of or permit issued to a resident of the State.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt any provision of State law with respect to the issuance of licenses or permits to carry concealed firearms.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 926C the following:

''926D. Reciprocity for the carrying of certain concealed firearms.''.

(3) SEVERABILITY.—Notwithstanding any other provision of this Act, if any provision of this section, or any amendment made by

this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section and amendments made by this section and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

(4) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of enactment of this Act.

SA 4666. Ms. MURKOWSKI (for herself, Mr. WHITEHOUSE, Mr. SULLIVAN, Ms. KLOBUCHAR, Mr. FRANKEN, Ms. BALDWIN, Mrs. BOXER, and Mr. REED) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. ELIGIBILITY OF CERTAIN INDIVIDUALS FOR INTERMENT IN NATIONAL CEMETERIES.

(a) IN GENERAL.—Section 2402(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(10) Any individual—

''(A) who—

''(i) was naturalized pursuant to section 2(1) of the Hmong Veterans' Naturalization Act of 2000 (Public Law 106–207; 8 U.S.C. 1423 note); and

''(ii) at the time of the individual's death resided in the United States; or

''(B) who—

''(i) the Secretary determines served honorably with a special guerrilla unit or irregular forces operating from a base in Laos in support of the Armed Forces of the United States at any time during the period beginning February 28, 1961, and ending May 7, 1975; and

''(ii) at the time of the individual's death—

''(I) was a citizen of the United States or an alien lawfully admitted for permanent residence in the United States; and

''(II) resided in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to an individual dying on or after the date of the enactment of this Act.

SA 4667. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4509 submitted by Mr. NELSON (for himself, Mr. GARDNER, Mr. BENNET, Mr. SHELBY, and Mr. DURBIN) and intended to be proposed to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 1037. RESTRICTIONS ON THE PROCUREMENT OF SERVICES OR PROPERTY IN CONNECTION WITH MILITARY SPACE LAUNCH FROM ENTITIES OWNED OR CONTROLLED BY PERSONS SANCTIONED IN CONNECTION WITH RUSSIA'S INVASION OF CRIMEA.

(a) IN GENERAL.—On and after the date of the enactment of this Act, the Secretary of Defense may not enter into or renew a contract for the procurement of services or property in connection with space launch activities associated with the evolved expendable launch vehicle program unless the Secretary, as a result of affirmative due diligence and in consultation with the Secretary of the Treasury, conclusively certifies in accordance with subsection (b), that—

(1) no funding provided under the contract will be used for a purchase from, or a payment to, any entity owned or controlled by a person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury pursuant to Executive Order 13661 (79 Fed. Reg. 15535; relating to blocking property of additional persons contributing to the situation in Ukraine) or any other executive order or other provision of law imposing sanctions with respect to the Russian Federation in connection with the invasion of Crimea by the Russian Federation; and

(2) no individual who in any way supports the delivery of services or property for such space launch activities poses a counterintelligence risk to the United States or is subject to the influence of any foreign military or intelligence service.

(b) SUBMISSION OF CERTIFICATION.—Not later than 120 days before entering into or renewing a contract described in subsection (a), the Secretary of Defense shall submit to the congressional defense committees in writing the certification described in that subsection and the reasons of the Secretary for making the certification.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the application of sanctions that are not related to national security space launch activities.

SA 4668. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4647 submitted by Mr. SHELBY and intended to be proposed to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 1037. RESTRICTIONS ON THE PROCUREMENT OF SERVICES OR PROPERTY IN CONNECTION WITH MILITARY SPACE LAUNCH FROM ENTITIES OWNED OR CONTROLLED BY PERSONS SANCTIONED IN CONNECTION WITH RUSSIA'S INVASION OF CRIMEA.

(a) IN GENERAL.—On and after the date of the enactment of this Act, the Secretary of Defense may not enter into or renew a contract for the procurement of services or property in connection with space launch activities associated with the evolved expendable launch vehicle program unless the Secretary, as a result of affirmative due diligence and in consultation with the Secretary of the Treasury, conclusively certifies in accordance with subsection (b), that—

(1) no funding provided under the contract will be used for a purchase from, or a payment to, any entity owned or controlled by a person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury pursuant to Executive Order 13661 (79 Fed. Reg. 15535; relating to blocking property of additional persons contributing to the situation in Ukraine) or any other executive order or other provision of law imposing sanctions with respect to the Russian Federation in connection with the invasion of Crimea by the Russian Federation; and

(2) no individual who in any way supports the delivery of services or property for such space launch activities poses a counterintelligence risk to the United States or is subject to the influence of any foreign military or intelligence service.

(b) SUBMISSION OF CERTIFICATION.—Not later than 120 days before entering into or renewing a contract described in subsection (a), the Secretary of Defense shall submit to the congressional defense committees in writing the certification described in that subsection and the reasons of the Secretary for making the certification.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the application of sanctions that are not related to national security space launch activities.

SA 4669. Mr. SASSE (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 591 and insert the following:

SEC. 591. MODIFICATION OF THE MILITARY SELECTIVE SERVICE ACT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that there are important legal, political, and social questions about who should be required to register for military selective service and how the Military Selective Service Act benefits the national security of the United States of America.

(b) SUNSET OF MILITARY SELECTIVE SERVICE ACT.—The Military Selective Service Act (50 U.S.C. 3801 et seq.) is amended by adding at the end the following new section:

''SEC. 23. This Act and the requirements of this Act shall cease to be in effect on the date that is three years after the date of the enactment of this National Defense Authorization Act for Fiscal Year 2017.''.

(c) TRANSFERS IN CONNECTION WITH SUNSET.—

(1) PROHIBITION ON REESTABLISHMENT OF OSSR.—Notwithstanding the proviso in section 10(a)(4) of the Military Selective Service Act (50 U.S.C. 3809(a)(4)), the Office of Selective Service Records shall not be reestablished after the sunset of the Military Selective Service Act pursuant to section 23 of that Act (as added by subsection (b)).

(2) TRANSFER OF ASSETS AND RESOURCES.—Not later than 180 days after the sunset of Military Selective Service Act as described in paragraph (1), the assets, contracts, property, and records held by the Selective Service System, and the expended balances of any appropriations available to the Selective Service System, shall be transferred to the Administration of General Services.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives, and make available to the public on an Internet website of the Department of Defense available to the public, a report on the current and future need for compulsory military selective service. The report shall recommend and justify one of the courses of action as follows:

(1) Maintain the current selective service system.

(2) Expand the pool of individuals subject to selective service.

(3) Repeal the Military Selective Service Act and move to an all volunteer force.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GARDNER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on June 9, 2016, at 9:30 a.m., in room SD–406 of the Dirksen Senate Office Building, to conduct a hearing entitled, ''Implications of the Supreme Court Stay of the Clean Power Plan.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GARDNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on June 9, 2016, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. GARDNER. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on June 9, 2016, at 2 p.m., in room SR–301 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GARDNER. 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, 2016, at 2 p.m., in room SH–219 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LEE. Mr. President, I ask unanimous consent that Frederick L. Dressler, a national security fellow in the office of Senator AYOTTE be granted the privilege of the floor during consideration of S. 2943, the National Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Philip Hines, a detailee on my staff, be granted floor privileges through the end of the 114th Congress.

I also ask unanimous consent that Janet Temko-Blinder, another detailee on my staff, be granted floor privileges through the end of the 114th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SULLIVAN. Mr. President, I ask unanimous consent that my military fellow, Dave Deptula, be granted floor privileges for the remainder of this session of Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE 100TH ANNIVERSARY OF THE RESERVE OFFICERS' TRAINING CORPS PROGRAM OF THE ARMY

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 487, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 487) commemorating the 100th anniversary of the Reserve Officers' Training Corps program of the Army.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GARDNER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 487) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR FRIDAY, JUNE 10, 2016

Mr. GARDNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 8:15 a.m., Friday, June 10; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate resume consideration of S. 2943; further, that the filing deadline for second-degree amendments to S. 2943 be at 8:45 a.m. tomorrow; finally, that notwithstanding the provisions of rule XXII, the cloture vote with respect to S. 2943 occur at 9 a.m. tomorrow.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL 8:15 A.M. TOMORROW

Mr. GARDNER. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:14 p.m., adjourned until Friday, June 10, 2016, at 8:15 a.m.

NOMINATIONS

Executive nominations received by the Senate:

SECURITIES INVESTOR PROTECTION CORPORATION

BONNIE A. BARSAMIAN DUNN, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2017, VICE ORLAN JOHNSON, RESIGNED.

FEDERAL MARITIME COMMISSION

MICHAEL A. KHOURI, OF KENTUCKY, TO BE A FEDERAL MARITIME COMMISSIONER FOR A TERM EXPIRING JUNE 30, 2021. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. TERRENCE J. O'SHAUGHNESSY

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

RON J. ARELLANO
DANE E. BERENSEN
STEPHEN W. BISHOP
GREGORY S. CARDWELL
GEOFFREY D. CHRISTMAS
THOMAS W. DOBKINS
ANTHONY J. EVERHART
MATTHEW T. GRIFFIN
CHARLES H. HALL
JOSEPH B. HARRISON II
SUZANNE T. HUBNER
STEPHEN M. KANTZ
TIMOTHY E. LOWERY
ALAN C. MENGWASSER
JOSIE L. MOORE
GARY M. OLIVI
RUSSELL G. SCHUHART II
BRIAN L. SCHULZ
KENNETH G. SMITH
ROBERT J. SPROAT
PATRICK A. STAUB
FREDERICK B. STEVES
YONNETTE D. THOMAS
PATRICK A. THOMPSON
JOSHUA J. VERGOW
WILLIAM M. WILSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

KATIE M. ABDALLAH
DANIEL W. BERGER
THOMAS E. CHILDERS, JR.
FREDERICK L. CRAWFORD
DARIN D. DEBOW
JAY F. ELSON
PAUL F. FARRELL, JR.
MATTHEW R. FOMBY
TRISHA N. FRANCIS
RANDAL E. FULLER
WILBUR L. HALL II
ANDREW R. LUCAS
JAMES D. MCCARTNEY
NANCY MOULIS
TONY R. NICHOLS
MATTHEW P. OHARA
JAMES A. PAPPAS
ALBERTO O. PEREZ
PHILLIP C. PETERSEN
MERZON J. QUIAZON
GARY L. RAYMOND
STEPHANIE A. SMITH
MICHAEL L. SOUTH II
THOMAS E. STEWART
RYAN C. TASHMA
VICTOR T. TAYLOR, JR.
YOLANDA M. TRIPP
NATHAN J. WINTERS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MATTHEW J. ACANFORA
DAVID J. AMBROSE
DAVID J. BERGESEN
MICHAEL A. BETHER
JAMES F. BRENNAN
DONALD L. BRYANT, JR.
JASON K. CUMMINGS
DAVID B. DAMATO
ROBERT J. DIRGA
GARY R. DONLEY, JR.
BRIAN B. DURAND
DONALD C. FERGUSSON
KATIE A. HAMILTON
COREY M. JACOBS
DAVID P. KAWESIMUKOOZA
ANDREW E. MAROCCO
EDWARD A. MCLELLAN III
ROMAN C. MILLS
KENNETH B. MYRICK
JASON S. NAKATA

CHRISTOPHER A. NIGON
DANIEL R. RAHN
CAROLINE E. ROCHFORT
ANDREW M. SCHIMENTI
MELINDA K. SCHRYVER
TEDDY G. TAN
ALEXANDER J. TERESHKO
MICHAEL S. TIEFEL
JASON C. TURSE
DENNIS A. WISCHMEIER
JOSEPH A. ZERBY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

KENNETH O. ALLISON, JR.
JAMES L. BELL
IVAN R. BORJA
CURTIS BROWN
TERRELL A. BURNETT
ZEVERICK L. BUTTS
KYLE A. CALDWELL
BRIAN N. CARROLL
JAMES M. CATTEAU
FREDIRICK R. CONNER
ROBERT J. DAFOE
AARON C. ERICKSON
KEITH B. FOSTER
HENRY FUENTES
CLEMENTE V. GATTANO
DANA S. GIBSON
RUSSELL J. GOFF, JR.
KIRBY A. HALLAS
RICHARD C. HIRN
CHAD A. HOLLINGER
JAMES J. HORNEF
STEPHEN E. KASHUBA
TERRY L. KERR
RICHARD B. KILLIAN
RUSSELL A. LAWRENCE
THOMAS L. LOOP
WAYNE E. MARK
JACK E. MORRIS
TODD D. NELSON
TODD M. OAKES
ERIC C. OLSEN
CHRISTOPHER S. PALMERONE
JAMES S. PIRGER
BRIAN PONCE
MARK A. PUTTKAMMER
RANDY R. REID
STEVEN R. REYNOLDS
MATTHEW T. RIGGINS
PAUL V. ROCK
SHAWN T. RUMBLEY
MICHAEL K. SIMS
DONOVAN B. WORTHAM
FELIX O. WYATT
TIMOTHY L. YEICH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

BENJAMIN P. ABBOTT
THOMAS P. ABBOTT
RAUL T. ACEVEDO
PATRICK T. ACKER
JEFFREY M. ADAMS
JOSEPH R. ADAMS
DOMINICK ALBANO
WILLIAM H. ALBERT
CAMERON M. ALJILANI
DAWN C. ALLEN
DOUGLAS W. ALLEY
REX T. AMAN
ERNEST L. ANDERSON, JR.
ERIC L. ASTLE
DAVID W. AYOTTE, JR.
JOHN P. BAGGETT
TRAVIS A. BAGWELL
KYLE J. BAKER
JOHN P. BALBI
JUSTIN D. BANZ
ROBERT I. BARKER
WESLEY A. BARNES
BRETT E. BATEMAN
BRIAN J. BAUMGAERTNER
ADAM T. BEAN
ANDREW N. BEHLKE
ERIC J. BELL
BRIAN D. BERNARDIN
RICHARD BETANCOURT
BRIAN A. BETHEA
JEFFREY D. BETZ
CHAD M. BIBLER
RAYMOND G. BIEZE III
ROBERT C. BIGGS
JAY D. BIJEAU
CHARLES G. BIRCHFIELD
DAVID A. BIZZARRI
JEREMIAH BLANCO
WILLIAM C. BLODGETT, JR.
JASON R. BOLES
BRIAN M. BOURGEOIS
DANIEL A. BOUTROS
DANIEL J. BOYER
KARL BRANDL
DAVID P. BRENNAN
BRIAN C. BROADWATER
AARON D. BROWN
DARRELL W. BROWN II
PATRICK S. BROWN
JEFFREY S. BRUNER
DWIGHT A. BRUNGARD
CHRISTOPHER L. BRYAN
WILLIAM A. BUELL
MICHAEL P. BUKOLT, JR.
DAVID L. BURKETT
JOSEPH L. CALDWELL
LENNARD D. CANNON
JEREMY L. CARLSON
GUILLERMO I. CARRILLO
CHRISTOPHER J. CARROLL
RYAN R. CARSTENS
KRISTOPHER A. CARTER
LARRION D. CASSIDY
PHILLIP J. CASTANEDA
LOUIS F. CATALINA IV
DUSTIN D. CHAPIN
SCOTT A. CHARNIK
DOUGLAS S. CHASE
STEPHEN D. CHIVERS
CHARLES A. CHMIELAK
BENNETT M. CHRISTMAN
JEFFREY J. CLARK
CHRISTOPHER J. CLAY
DONALD J. CLEMONS
PAUL K. COCKER
DAVID S. COHICK
JOHN C. COLEMAN
DANIEL M. COLON
JAMES P. CONKLIN
CRAIG H. CONNOR
SEAN R. COOK
KENNETH T. COOKE
DAVID J. CORDOVA
CLINTON A. CORNELL
JEFFREY B. CORNES
DONALD H. COSTELLO III
MATTHEW B. COX
CARL R. CRINGLE
TIKO S. CROFOOT
DEVERE J. CROOKS
RAYMOND B. CROSBY
NORMAN B. CRUZ
DIANE S. CUA
BRIAN A. CUMMINGS
CHRISTOPHER R. CUMMINS
THOMAS E. CUNNINGHAM III
MICHAEL J. CURCIO
DONALD J. CURRAN III
ADDISON G. DANIEL
SCOTT A. DARRAN
DAVID J. DARTEZ
THOMAS R. DAVIS
DANIEL J. DECICCO
ALLEN P. DECKERS
ROY D. DECOSTER
JAMIE L. DELCORE
CHARLES B. DENNISON
ANDREW J. DESANY
STEVEN L. DOBESH
JEREMY B. DOUGHTY
JAMES R. DOWNES
DAVID R. DRAKE II
STEPHEN C. DUBA, JR.
KEVIN C. DUCHARME
AUSTIN W. DUFF
WILLIAM M. DULL
RYAN T. EASTERDAY
CHRISTOPHER S. EDWARDS
THOMAS J. EISENSTATT
ROBERT K. ELIZONDO
MATTHEW T. ERDNER
JEREMY R. EWING
MICHAEL J. FABRIZIO
JEFFREY C. FASSBENDER
DAVID W. FASSEL
SCOTT P. FENTRESS
WILLIAM J. FIACK
CHRIS T. FISHER
JEFFREY W. FISHER
CHRISTINE L. FIX
MICHELLE R. FONTENOT
MICHAEL D. FORTENBERRY
WILLIAM P. FRANK
NICHOLAS J. FRAZIER
JOSEPH S. FREDERICK
TERRENCE E. FROST
JAMES L. FUEMMELER
NEIL R. GABRIEL
MARK P. GANDER
DAVID M. GARDNER
ROBERT J. GARIS
ANTHONY M. GARNER
PATRICK M. GEGG
WAYNE S. GEHMAN
DARREN D. GERHARDT
MICHAEL R. GERHART
DONANN M. GILMORE
ALAPAKI F. GOMES III
LUIS A. GONZALEZ
LETWA L. GOODEN
JOHN J. GORMAN
ROSE A. GOSCINSKI
ERIC R. GOULD
JAMES D. GRANT
MATTHEW F. GRAY
MATTHEW T. GRIFFIN
JARROD B. GROVES
JONATHAN J. HAASE
JAKE L. HAFF IV
ETHAN D. HAINES
ROBERT D. HALE
RICHARD D. HALEY
JUSTIN T. HALLIGAN
NICHOLAS S. HAMPTON
BRYAN M. HANEY
JAMES C. HANLON
RONALD V. HATT
JONATHAN T. HAYES
PETER W. HAYNES
TORY T. HEGRENES
ADAM N. HEIL
AARON L. HELGERSON
MICHAEL C. HELTZEL
JAMES M. HENRY
SAMUEL W. HERBST
THOMAS A. HERROLD
KEITH R. HEYEN
JOHN A. HILBURN
WADE B. HILDERBRAND
TIFFANY F. HILL
KENNETH B. HOCKYCKO
RODERICK L. HODGES
JAMES H. HOEY
JONATHAN A. HOPKINS
MATTHEW R. HOPKINS
BRYAN M. HOPPER
BRADLEY A. HOYT
GREGORY J. HRACHO
JAKE M. HUBER
BARRY E. HUDSPETH
AMBER L. HUNTER
ERIC D. HUTTER
BRENT S. JACKSON
DONTE L. JACKSON
LOREN M. JACOBI
BRIAN A. JAMISON
DALLAS R. JAMISON II
BRENT H. JAQUITH
KYLE B. JASON
GARY E. JENKINS, JR.
DEBORAH A. JIMENEZ
JOHN D. JOHN
HARLAN M. JOHNSON
JED R. JOHNSON
BOBBY R. JONES
JOSHUA L. JONES
KIMBERLY E. JONES
STERLING S. JORDAN
CHAD S. KAISER
JOHN R. KAJMOWICZ
COLIN J. KANE
TERRI D. KANSY
RYAN R. KENDALL
JALAL F. KHAN
SEAN S. KIDO
DONALD B. KING
NOLAN S. KING
JUDDSON M. KIRK
HAMISH P. KIRKLAND
ERIC M. KIRLIN
DANIEL E. KITTS
KRISTOPHER D. KLAIBER
JEDEDIAH A. KLOPPEL
GREGORY C. KNUTSON
BRIAN R. KOLL
MATTHEW R. KOOP
ANDREW B. KOY
MATTHEW B. KRAUZ
ADAM J. KRUPPA
MARK D. KURTZ
KELLY J. LADD
IAN P. LAMBERT
MATTHEW J. LAMBERT
KENNETH J. LANDRY
DAVID F. LANE
ROBERT D. LANE
ZACHARY W. LAPOINTE
HECTOR C. LAUS
RICHARD I. LAWLOR
STEVEN C. LAWRENCE
BRETT C. LEFEVER
THEODORE J. LEMERANDE
JONATHAN E. LENTZ
LEONARD M. LEOS
JOSHUA R. LEWIS
JOSEPH V. LIBASCI
IAN J. LILYQUIST
ROBERT R. LITTMAN
CRAIG E. LITTY
MICHAEL E. LOFGREN
JARED F. LOLLER
DUSTIN T. LONERO
BRADLEY D. LONG
BRIAN J. LOUSTAUNAU
DAMON B. LOVELESS
SCOTT M. LOWE
KEITH A. LOWENSTEIN
ERIC S. LOWRY
BRIAN S. LUEBBERT
MATTHEW P. LUFF
THOMAS D. LUNA
NATHAN D. LUTHER
MATTHEW J. MAHER
CASEY M. MAHON
SUZANNE L. MAINOR
WILLIAM F. MAJOR, JR.
NICHOLAS C. MALOKOFSKY
SCOTT P. MALONEY
LEBO R. MANCUSO
CHARLES G. MANN
ROBIN N. MARLING
KEVIN M. MARSH
IRA E. MARSHALL
JAMES L. MARTELLO
WILLIAM F. MARTIN
DANIEL M. MARTINS
DAVID B. MATSUMOTO
JAMES P. MAY
KEVIN L. MCCARTY
BARRY D. MCCULLOCH
JESSE A. MCFADDEN
TIMOTHY J. MCKAY
MATTHEW A. MCKENNA
MATHEW J. MCKERRING

PAUL J. MCKERRY
MICHAEL V. MCLAINE
PETER T. MCMORROW
KEVIN R. MCNATT
RUSSELL P. MEIER
SEAN W. MERRITT
CHRISTOPHER G. METZ
RYAN E. MEWETT
PAUL C. MEYER
ERIC E. MEYERS
ANTHONY J. MILITELLO
ROBERT D. MIMS
PETER C. MITALAS
JOSEPH B. MITZEN
SCOTT A. MOAK
MARK R. MONAHAN
NATHAN K. MOORE
PATRICK D. MORLEY
SAMUEL P. MORRISON
STEPHEN P. MORRISSEY
MICHAEL K. MOSI
JAMES J. MOTT
MATTHEW T. MULCAHEY
DANIEL M. MURPHY II
NATHAN A. MURRAY
MATTHEW D. MYERS
JOHN C. NADDER
THOMAS C. NEILL, JR.
MICHAEL R. NEILSON
JOHN W. NELSON
PETER H. NELSON
TERRY A. NEMEC
GREGORY S. NERY
CHRISTIAN R. NESSET
SEAN M. NEWBY
BENJAMIN P. NEWHART
CHANDRA S. NEWMAN
STEPHEN P. NIEMANN
MATTHEW J. NIESWAND
JASON M. NOYES
BRYANT A. NUNN
DANIEL B. OAKEY
DANIEL K. OHARA
DOUGLAS W. OLDHAM
TRISTAN V. OLIVERIA
MICHAEL T. OREILLY
PATRICK K. OREILLY, JR.
RYAN P. OVERHOLTZER
WARREN R. OVERTON
AUDRY T. OXLEY
RICARDO V. PADILLA
MICHELLE D. PAGE
MICHAEL A. PAISANT
ASHLEY L. PANKOP
LARRY J. PARKER
MICHAEL M. PATTERSON
SAMUEL D. PELLEY
CHRISTOPHER P. PENN
TODD B. PENROD
ANTHONY R. PEREZ
JOHN D. PERKINS
MATTHEW N. PERSIANI
ANDREW L. PETERS
JOHN C. PETERSON, JR.
MATTHEW P. PETERSON
DUSTIN W. PEVERILL
MICHAEL E. PIANO
MATTHEW L. PICINICH
BRADLEY S. PIKULA
MICHAEL R. POE
JANICE A. POLLARD
BENJAMIN C. POLLOCK
MICHAEL J. POPLAWSKI
DANIEL R. POST
DOUGLAS PRATT
COLIN A. PRICE
TREVOR J. PROUTY
JONATHAN P. PUGLIA
STEVEN C. PUSKAS
TRAVIS A. PYLE
PRESTON M. RACKAUSKAS
ANDREA M. RAGUSA
THOMAS G. RALSTON
KYLE C. READ
MICHAEL P. REDEL
DANIEL A. REIHER
PAUL B. RENWICK
THOMAS D. RICHARDSON
RYAN K. ROGERS
CHRISTIAN R. RONDESTVEDT
MICHAEL G. ROOT
JERREMY T. RORICK
JACOB M. ROSE
MICHAEL B. ROSS
PAUL L. ROULEAU
CHRISTOPHER S. ROWAN
ANDREW T. ROY
JASON P. RUSSO
SCOTT M. RYAN
SCOTT W. SABAU
NICHOLAS M. SACHON
PATRICK A. SALMON
BRIAN S. SAUERHAGE
NICHOLAS P. SAUNDERS
BRIAN J. SCHNEIDER
MYCEL D. SCOTT
DAVID T. SECHRIST
JARED SEVERSON
KEVIN L. SHACKELFORD
WILLIAM A. SHAFER
MATTHEW R. SHELLOCK
BRIAN P. SHERRIFF
ALEXANDER L. SIMMONS
BRANDON L. SIMPSON
LADONNA M. SIMPSON
JARED M. SIMSIC
ERIC J. SKALSKI
STEPHEN R. SKODA
JASON D. SLABAUGH
RICHARD A. SMITH
WADE K. SMITH
HORST D. SOLLFRANK, JR.
JAMES J. SORDI, JR.
JOSEPH M. SPINKS
STEPHEN D. STEACY
JAMES W. STEFFEN
SETH A. STEGMAIER
DOUGLAS G. STEIL
MICHAEL R. STEPHEN
JEFFREY J. STGEORGE
ANDREW D. STILES
JON P. SUNDERLAND
CHRISTOPHER D. SUTHERLAND
LUKE J. SWAIN
GREGG W. SWEENEY
MATTHEW J. SWEENEY
NICHOLAS J. SYLVESTER
PHILLIP SYLVIA
JARED A. THARP
ADAM J. THOMAS
COLIN J. THOMPSON
SHANNON M. THOMPSON
AHREN O. THORNTON
DAVID M. TIGRETT
SCOTT K. TIMMESTER
JASON E. TIPPETT
BRIAN W. TOLLEFSON
MICHAEL P. TRUMBULL
JAMES M. UDALL
CHAD K. UPRIGHT
ALLYN G. UTTECHT
TODD W. VALASCO
SANTICO J. VALENZUELA
JONATHAN J. VANECKO
WILLIAM D. VANN
NATHANIEL R. VELCIO
RYAN G. VEST
STEVEN E. VITRELLA
STEVEN J. WAGNER
BENJAMIN D. WALBORN
JOHN I. WALDEN III
ADAM J. WALKER
DANIEL E. WALKER
JEFFERY A. WALKER
BRADFORD D. WALLACE
DONALD J. WALLACE
DAVID M. WALSTON
JUSTIN A. WARD
JERROD E. WASHBURN
BRIAN P. WATT
MICHELLE D. WEISSINGER
GORDEN S. WELLS
JASON D. WELLS
NATHAN S. WEMETT
KRISTOFER J. WESTPHAL
DANNY F. WESTPHALL, JR.
STEPHEN J. WEYDERT
BRADLEY R. WHITTINGTON
JOHN C. WIEDMANN III
STEPHEN A. WIEGEL
ANDREW R. WIESE
KATHRYN S. WIJNALDUM
SCOTT T. WILBUR
JOHN R. WILKINSON
CHRISTOPHER S. WILLIAMS
JACOB J. WILLIAMS
JASON R. WILLIAMS
JAMES P. WILLIAMSON
RICHARD M. WINSTEAD
CHRISTOPHER T. WINTERS
NICHOLAS E. WISSEL
JASON M. WITT
MICHAEL K. WITT
GABRIEL D. YANCEY
STEPHEN V. YENIAS
KATHLEEN J. YOUNGBERG
RICHARD J. ZAMBERLAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

PETER BISSONNETTE
ROBERT P. CARR
KRISTINA M. CHENERY
SHANNON M. FITZPATRICK
KIMBERETTA Y. GREEN
MARK B. LESKOFF
LAURA L. MCDONALD
TERESA S. MITCHELL
SHALETHA R. MORAN
JEFFREY L. MORIN
DAVID E. PAVLIK
ERIC L. POND
CINDY T. ROSE
CHRISTOPHER J. SCHLOBOHM
JOHN M. TIMOTHY
ZAVEAN V. WARE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MYLENE R. ARVIZO
BOBBY A. BASSHAM
CARL K. BODIN
MARK F. BOSEMAN
JEREMY J. BRAUD
DAVID T. BURGGRAFF
SCOTT R. DELWICHE
COLIN J. DUNLOP
DURWARD B. DUNN
JOSHUA M. FIELDS
JOHN M. GALLEBISHOP
JONATHAN W. GANDY
RICHARD C. GARGANO
JASON A. HICKLE
CHARLES Y. HIRSCH
ANTHONY C. HOLMES
JOHN D. JUDD
BIRUTE I. JURJONAS
JOSEPH E. KRAMER
MATTHEW J. MALINOWSKI
ARMANDO MARRONFERNANDEZ
JEROME S. MCCONNON
DAVID A. MCGLONE
JOSEPH D. MEIER
CHRISTOPHER MENDOZA
MATTHEW R. ONEAL
JONATHAN E. PAGE
UPENDRA RAMDAT
JOHN A. RAMSEY
SARAH B. RICE
BRIAN D. SNEED
WILLIAM J. SUMSION
JACK A. TAPPE
CHAD N. TIDD
ERROL A. WATSON, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DAVID R. DONOHUE
MICHAEL B. EVANS
PETER J. FIRENZE
DUANE C. FRIST
REGAN G. HANSON
DOUGLAS D. HOOL
MILO J. KACIAK
STEPHEN E. KRUM
MICHAEL G. NEWTON
DANIEL J. RADOCAJ
KIMBERLY J. RIGGLE
ADAM SCHANTZ
TIMOTHY F. TUSCHINSKI
RICHARD M. ULLOA
JASON D. WEAVER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

RANDY J. BERTI
STEVEN J. BRYANT
REECO D. CERESOLA
THOMAS M. CLEMENTSON
STEPHEN C. KEHRT
JEFFREY A. LAKE
JOHN D. LESEMANN, JR.
DONOVAN A. MAXWELL
JOSE A. RIEFKOHL
TIMOTHY S. RYAN
JULIA M. TROBAUGH
MICHAEL WINDOM

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JODIE K. CORNELL
JENNIFER L. CRAGG
CHARLES J. DREY
JOHN E. FAGE
REANN S. MOMMSEN
SEAN B. ROBERTSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

PATRICIA H. AJOY
JENNIFER N. BARNES
LISA C. BERG
DANIEL G. BETANCOURT
JAIMILYN D. DAVIS
PATRICK C. DRAIN
ANGELA M. EDWARDS
JAMES H. FURMAN
JOSE R. GOMEZ
NAM H. HAN
MICHELE N. LOWE
JOSEPH P. MANION
ERIK RANGEL
ANNE D. RESTREPO
KEVIN A. SELF
WADE C. THAMES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ERIN M. CESCHINI
SARAH L. FOLLETT
KIMBERLY M. FREITAS
PATRICK J. HAVEL
RUSSELL G. INGERSOLL
DAVID R. LEWIS
DAVID R. MARINO
SCOTT E. MILLER
MATTHEW PAWLENKO
HEATHER H. QUILENDERINO
MATHIAS K. ROTH
JONATHAN A. SAVAGE
KEITH B. THOMPSON

GIANCARLO WAGHELSTEIN

WITHDRAWALS

Executive Message transmitted by the President to the Senate on June 9, 2016 withdrawing from further Senate consideration the following nominations:

CASSANDRA Q. BUTTS, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF THE BAHAMAS, WHICH WAS SENT TO THE SENATE ON FEBRUARY 5, 2015.

NAVY NOMINATION OF REAR ADM. (LH) DAVID F. STEINDL, TO BE REAR ADMIRAL, WHICH WAS SENT TO THE SENATE ON JULY 15, 2015.